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**Montana Fish,
Wildlife & Parks**

Montana

Fish & Wildlife Commission

FWP Headquarters – 1420 East 6th Avenue-Helena, MT

February 13, 2019

*Commission Members Present: Dan Vermillion, Chairman, Richard Stuker Vice-Chairman,
Tim Aldrich,
Logan Brower and Shane Colton*

Fish Wildlife & Parks Staff Present: Martha Williams, Director and FWP Staff.

Guests: October 17, 2018 - See Commission file folder for sign-in sheet.

Topics of Discussion:

1. *Call to order and Pledge of Allegiance*
2. *Approval of Minutes of Past Commission Meetings*
3. *Approval of Commission Expenses*
4. *Commission Reports*
5. *Director's Office Report*
6. *Administrative Rule Amendments Pertaining to Recreation on the Helena Valley Regulating Reservoir- Final*
7. *Extension of Public Comment and Alternative Administrative Rule Proposal Pertaining to Amendments to Current No-Wake Zones and Adoption of New No-Wake Zones on Canyon Ferry Reservoir – Proposed*
8. *2019-20 CSKT Fishing and Hunting Regulations- Endorsement*
9. *Amendments to Bitterroot River Commercial Use Permit Restrictions, R2- Proposed*
10. *WW White FAS Acquisition, R2- Endorsement*
11. *Yellowstone River FAS Acquisition (Highway 89 Bridge), R3- Endorsement*
12. *Gallatin County Bridge Realignment into Gallatin Forks FAS, R3- Final*
13. *Fishing Access Site/Wildlife Management Area Biennial Rule- Final*
14. *Madison River and Varney Bridge FAS Temporary Closure Rule, R3- Final*
15. *Future Fisheries Improvement Projects, Winter 2019 Funding Cycle- Final*
16. *Tiber Reservoir Willow Creek Watercraft Inspection Site Lease, R4- Final*
17. *Agricultural Lease on Great Falls Shooting Complex – Final*
18. *Garrity Mountain WMA Addition (R2) - Final*
19. *Wall Creek WMA Addition (R3) - Endorsement*
20. *Partial Assignment of Conservation Easement (Access) on Buxbaum-Boulder Creek Ranch (R2) - Final*
21. *Partial Assignment of Conservation Easement (Access) on Graveley Ranch (R2) - Endorsement*
22. *Partial Assignment of Conservation Easement (Access) on NCP Bayou II Properties (R2) - Endorsement*
23. *Harris Land and Cattle Conservation Easement Amendment (Subdivision Rights) - Endorsement*
24. *The Nature Conservancy Biennial Rule Regulating Use on Recreation Management Area Lands - Proposal*
25. *Wildlife Management Area and Fish Conservation Area Biennial Public Use Rules - Final*
26. *FWP Forestry Sustained Yield Five-Year Update - Final*
27. *Swift Fox Conservation Strategy - Final*
28. *Mountain Lion Strategy - Final*
29. *Mule Deer Season Changes in HDs 502, 510, 520 & 575 for 2019 - Final*

30. *White Tail Deer Season Changes to Buck Only in HD 122 and 130 - Final*
31. *Performance-Based Elk Shoulder Seasons for 2019 - Final*
32. *Alberta Sage Grouse Translocation - Final*
33. *Sharp-Tailed Grouse Translocation Site Update - Endorsement*
34. *Public Comment for Items not on the Agenda*
35. *Adjournment*

1. Call to Order and Pledge of Allegiance

2. Approval of Minutes

Chairman Vermillion stated the October 2018 minutes needed approval.

Vice Chairman Stuker moved and Chairman Vermillion seconded to approve the October 2018 minutes as presented.

Motion passes 5-0

3. Approval of Commission Expenses

Vice Chairman Stuker moved and Commissioner Brower seconded to approve the expenses.

Motion passes 5-0

4. Commission Reports

Commissioner Colton stated that the most significant thing that he had to report. He attended WAFWA and have already visited with fellow Commissioners about some of the good discussions that were had. He wanted to take the time to acknowledge Chairman Vermillion. We do this more formally at another event. He has served 12 plus years and does not know if Montana knows how lucky they have been to have someone with Chairman Vermillion's commitment, patience knowledge and demeanor. He has helped with complicated issues and helped preserve the beautiful things that Montana has to offer. It is amazing to think that with all the controversy and the things that the Commission must deal with, he was confirmed three different times.

One time I think the budget was actually in balance over his confirmation. He has served with over a dozen different commissioners. He hopes that his fellow colleagues will forgive him but, no one has done it better than Chairman Vermillion. He has done the job the way it is supposed to be done. So, thank you. He has been an example to me as well as other Commissioners on how to behave and is sorry to see him go. he'll miss sharing this with him. Again, thank you very much for your service.

Commissioner Brower stated it was nice to come to the western part of the state as the eastern part has been 50 below zero and that is cold. His region has been fairly quiet. He has visited with the Region 6 office about CWD that was found up there and what that will do for next year's season. He would like to thank them for the work they have been doing regarding that.

He found it interesting that the wolf that was harvested outside Glasgow did create some conversations with people that were interested if there were more around. In Scobey, he has had quite a few conversations concerning the number of deer that are being seen. He thinks this corresponds with the CWD. There are concerns there about it spreading. He would like to wish the Scobey Spartans good luck as it is tournament time.

Commissioner Aldrich stated that it has been a slow time and a fast month in other respects. He has had a lot of conversations about things that are on the agenda. The biggest thing for him is the Madison River Negotiated Rulemaking Committee. It has been stymied. We should be further down the road than we are right now. We had a facilitator that was approved by the committee that was unavailable as he was a federal employee and could not participate. He had direct agency orders not to do so. He hopes that the next meeting will be successful in ways to get past the break from the U.S. government. Justin Goody gave a three-hour structured meeting on Negotiated Rulemaking and structure. He has been very much a part of the process.

We spent a good day and a half getting some good information. There was a lot that was provided in hard copy and the mail service did not come through at that time. Justin and Mark spent the explaining the data and where it came from. Eileen Ryce was there also to help carry the day through. He thinks that time well spent. we can look at it and think that maybe we could have gotten more done. But, he thinks that what they received in the form of good information and

perspective can start a more formal setting. We can find the problems and objectives and work through them. That is all he has today. Thank you.

Vice Chairman Stuker stated that he would like to echo what Commissioner Colton said. The six years that he has served here with Chairman Vermillion has been a pleasure. He has been a wonderful resource and may not know it but, will probably get calls with in the next two years. Thank you for your service.

It has been slow in his region as Commissioner Logan said regarding CWD. H visited a lot with Mark Sullivan and Gary Bertolotti about CWD in his area. He has received a lot of emails from conversation with people dealing with what is on the agenda to day. He attended a trapper committee in Great Falls on the 31st. It was very interesting to say the least. They spent the first two and a half hours determining whether they wanted to meet or not or go home. They decided to stay. Half of the committee wanted to go home.

The issue that caused this was there was a bomb threat in Kalispell against a trapper. Also, different organizations have had bills introduced and that caused some angst on the committee. They could have been through the process before Legislature even started. He felt that they were being pushed there. Some of the groups felt that they needed to get thing introduced to the Legislature before the committee could get anything done. That caused a lot of angst. Thank you.

Chairman Vermillion stated that Region 3 has been quiet as well. He has not seen a lot of bison coming the road in backs of trucks, so he assumes that means the hunt has been slow. Yesterday was a big day in Park County passed the Yellowstone Gateway Act. This closes off the area around Yellowstone Park, particularly Paradise Valley to mining activity. While that is an incredible victory for his community and for fishing, tourism and the ranch community. It was one of those group efforts that brought a lot of different people together from different points of view. They were all equally committed to the area conserving our rural way of life.

It has always struck me as unfortunate that when someone decides to put a mine in close to the Park, it is easy to get people focused. Prestigious megafaunas like grizzly bears and when you get east of Livingston, things can change quickly how we interact and view some of the inter-actments. It is good to know that democracy still works. There are a lot of different provisions in the bill that help the Department. The sportsmen and women of Montana.

He has received a lot of calls about crossbows and the crossbow bill that passed in Legislature yesterday. One thing that he doesn't see a lot of discussion is how this Commission will go about allocating archery opportunity. If you look at the 20 districts outside of the breaks, if you look at the breaks themselves, those are archery opportunities that are over prescribed. They are not over subscribed to the point where it's a once in a lifetime tag. There were 15,000 new applicants to the limited draws. He thinks people will see a dramatic erosion of archery opportunity in Montana.

This is something that the Commission has passed consistently dealing with technology matrix a couple of years ago to typically address the questions. It worked really well and that is why we moved for the lighted knocks. We went through the analysis and felt that would not erode the fair chase element of the hunt. This would improve game retrieval and hunting effectiveness. It was not something that they were pushing for but, something that folks wanted to see changed. It passed the fair chase muster he thinks.

He thinks the crossbow issue while seemingly on its face there are some serious implications on how to manage archery opportunity and ultimately rifle opportunity. There was a whole new field of harvest for the month of September. He would encourage people to pay very close attention to that. He would like people to base their decision on what they want to see for Montana.

He has a lot of calls about shoulder seasons. He attended a meeting for the MOGA convention. It was an interesting meeting and Vice Chairman Stuker was also there. They were trying to figure out where the outfitting community was in related to permit structure and how to manage the Yellowstone use on the Madison. In April there was widespread acknowledgement and support for the fact that something needs to be done. he thinks that the more communication that can occur on that front ahead of time the better off we will be. There was some push and concern to add new members because they felt there were not enough folks from Ennis or West Yellowstone. There are only so many spots and this Commission tried to pick the best team we thought possible.

He attended WAFWA with Director Williams and the two key things that he saw there were really encouraging. On thing was Wyoming has a different approach to Brucellosis and CWD. It is the first time in 12 years since he has been on the commission that it felt like they were more frank in their discussion and not as defensive. They acknowledge the problem but, they do not have the tools or political power. It is a long-engrained practice of wildlife management. In

the Huffington Post one of their main articles is about zombie deer and it could potentially spread to people. The research being cited in the article is what we have been talking about a year or two ago about lab monkeys. There were examples where it indicated that the disease could be passed on by consuming the meat. The scientists that he has spoken to as well as the ones in the articles stated that it wasn't a matter of if but when. There could be some long-term health affects to human beings. That is why the Department and this Commission take it so seriously. The problems that Montana faces really is important to wildlife management going forward with vexing issues.

As the Commissioners mentioned, this is probably his last Commission Meeting. He doesn't know when his replacement will be appointed. He didn't prepare any remarks but wanted to say that there are a lot of people in the Department today that do really amazing work. It has been a great honor as a Montanan to be on the Commission. The part that has been most rewarding is working with all of you. You don't realize until you start working with state agencies how committed everyone is to make it work and how the system does work for the average person. What a great state especially in the fish and wildlife management. You can travel all over the world and you will not find a state that has better access and opportunity for the average sportsmen. We have a good history of creating ways to make things work.

He feels like he has done as much as he can. He hasn't always been successful. He thinks that the Commission and the Department staff have done a remarkable job. He knows that when you go to the Legislature and get beat on the head every two years, it is kind of hard to feel like people appreciate all your hard work. As Commissioners we most always hear complaints. One of the neat things about retiring from the Commission is you do hear a lot of appreciation for the work, your service, and was on the Commission before he even had kids. He has three kids under age 12. It has been a long haul. It's been a great run and really enjoyable. Working with the Commissioners as well and they are all volunteers. They are hard working folks that really care about this state.

As long as this Commission is filled with people who understand what is at stake and keeps everything to the traditions to this state. We will be in a really good spot. It is not without challenges. It is something that we should be very optimistic about in the future. We still have fish and wildlife to manage in a part of the world where they can still see it. Everyday when you wake up with a hard day ahead of you just remember that the work we are doing today will make future generations really appreciate all the work you have done. It is worth living in a place like this. The first time he even thought about the Commission is when Colton got appointed in 2005. We were sitting in a goose field. We used to hunt by Hysham and Forsyth. We got skunked a lot. This was a day when we sat in the blind and had TVs watching football. This trip we had it really going on and getting our limit for the day. We had to leave when we had one goose left to get. It was a bit incredulous. At that time, he should have realized that the Commission was a lot of work. It has been a real honor and he thanks his fellow Commissioners for serving with him. Thanks to Governors Schweitzer and Bullock for having the confidence in him to appoint him. Thanks to the Legislature for confirmation and hope that he lived up to their trust. To John Brenden, I am still here, and leaving on my own terms and nothing could make him happier. Thank you all so very much for your support over the years.

5. Director's Office Reports

Director Williams stated she was not ready to say goodbye yet to Chairman Vermillion or recognize that this could be his last commission meeting. We will certainly have a more formal opportunity to thank him and embarrass him. She wanted to thank him for all his work. He is an unsung hero. She couldn't think of doing this for 12 years. It is remarkable. He has done it with commitment and capability as well as always recognizing how lucky we are to have the public engaged. It is nice to be a director of an agency where you get to recognize the employees too for their commitment and hard work. That partnership has been critical. She can't thank you enough and will thank him again and embarrass you as well she hopes.

She wanted to bring a few items up today. The last Legislative session she had asked to put together a task force to look at our regulations. She wanted to look at how we could simplify them and see if there were any inconsistencies and shoring up our base. She wanted to improve customer service. The committee has worked really hard the last two years and has been fun to watch. They did provide a report with some recommendations on things that we could do now to simplify the regulations. She has asked them to continue their work. She thinks that there is more they can do. They come out next Tuesday and the regulations will be a little different than they have been in the past. In an effort to be easier to use, they will be in a tabular format and organized a bit differently. This is for deer, elk, antelope, moose, sheep, and goat. That is the starting point and she just wanted to give everyone a heads up. We have gotten

positive feedback internally that this is a good step. She will look forward to the Commission's thoughts on it as well. These should be easier to use and that is the intent. She wanted to thank the committee and task force for all their work on this.

We are deep into the Legislative session and two weeks from transmittal break from where the rubber meets the road. The more challenging bills are starting to get introduced. She would like to say that it has been relatively quiet. We have done a lot of work and pre-work in preparation for this. We, with Legislators working with budgets as well as modest policy requests; not as modest as the budget request that we went through very carefully with Financial Review Advisory Committee. That FRAC committee has paid off in spades. We are very lucky to have those engaged individuals help us sort through our budget proposals.

Director Williams wanted to talk about a couple of the proposals. They touch on issues that each of you brought up. As you know it is hard to get new FTE. It is something that we have to explain very carefully and that is fair. We have asked for a new decision package on a planning position within FWP wildlife that would be focused on deer and elk planning and management. This would give us a dedicated person to help with the deer and elk management plan. She thinks that is really important on how we roll that out. We need to think about doing it differently that we have before. We want to be reaching out to people and building relationships, putting together a plan, and sending it out for comment. She is excited about that if it goes through. We also have a big request to redo our automated licensing system. We have put out a challenge to a number of people and calling it the automated licensing system kind of limits us. It would be really important moving forward in combining opportunities that we provide at FWP and not just hunting and fishing licenses. This could pull in parks more effectively as well. She is hoping to restore the Fisheries budget and as a piece of that we have asked for a position that we have asked about many times before to help us with water-based recreation. We have our fingers crossed on that moving forward.

In addition to our budget package, we are seeing a number of bills coming up this session about wolves in Region 1 and thank you for all the background work on that. What we are also seeing in the number of bills is they border on raising questions of fair chase and ethics. We have not seen so much as a biological impact as wading more into hunter ethics. We have tried to navigate that very carefully. We are trying to be very informational so that we are not picking sides but where the issues are clear and there is a budgetary impact or policy impact. Does it go too far in the hunter ethics? These are questions that we are weighing in. that all she has this morning. She would like to thank everyone for their hard work before coming to this meeting. This is not the last of it.

Chairman Vermillion stated he forgot to mention to fall back on what Director Williams was talking about the ALS (licensing System) he would encourage everyone to hear the presentation from the Director of Nevada who was a former Commissioner before coming to the present position. They use a company that been able to make tweaks to hunting renewals. What they do is 14 days before your license renews, they send out an email to inform you that the license is going to renew. If nothing is done by the person renewing, then the license renews on day zero and you have a license right then and there. The person will have 30 days to cancel. If you were to decide that you do not want to hunt, then the cancellation rates went down and recaptured the folks that get licensing. He thinks that this would be a no brainer and that this effects our lives. Most everything you sign up for anymore has automatic renewal. For example, a cable bill. It is really inexpensive to use this system to renew licenses. Nevada greatly increased their revenues by doing this. Their first year of doing this they didn't have to increase fees. It is a low-lying fruit and seems to be an easy fix. They said it was really inexpensive to use this system. He hopes that in the future our licensing system includes that.

Vice Chairman Stuker stated he had a question about meeting dates. We usually have a couple out of Helena. We talked about possibly Missoula or Bozeman. Last year we talked about Missoula and then some things came up. He would really like to lock that down if we can for everyone's benefit. For the next meeting, the White Bear FAS is going to be closed again and we need to get that on the agenda in April. He thinks it probably will need to go out for public comment.

Chairman Vermillion asked if there was a printed a list of dates. He remembered they were in the folder.

Vice Chairman Stuker stated that another question that was brought up was that they are schedule to meet in Bozeman with the Parks Board. It was his understanding that the Wildlife Division requested to move that meeting. He is not in

favor of moving it because he will be calving at that time. He would like to know if we left the dates where they are because the Parks Board has already set theirs can Wildlife accomplish what they need.

Director Williams stated she wanted to get back to the Commission on that and was not aware of the concern until this morning. She needs to ask Wildlife more questions about this and any challenges facing the meeting schedule. She understands the logistical challenge of moving the meeting and missing the opportunity of having the joint meeting with the Parks Board. If it is okay she would like to get back to the Commission on that.

6. Administrative Rule Amendments Pertaining to Recreation on the Helena Valley Regulating Reservoir

The Helena Valley Regulating Reservoir and lands surrounding the reservoir are owned by the Bureau of Reclamation. In 1969, the Fish and Wildlife Commission signed a memorandum of understanding with the Bureau of Reclamation permitting the commission to assume the responsibilities for the administration and development of the lands and facilities at the reservoir for wildlife and recreation purposes. The Helena Valley Irrigation District is responsible for the operation and management of the irrigation water supply works pursuant to a separate agreement. The MOU between the commission and Bureau of Reclamation is due for renewal in February 2019, and department staff have been working with staff from the Bureau of Reclamation and the representatives from the Helena Valley Irrigation District regarding provisions of the MOU that would need to be addressed. The recommended amendments remove redundant language regarding the use of the lands surrounding the reservoir found in the public use administrative rules (ARM 12.8.201 et seq.) and would provide rule language regarding the surface water of the reservoir. Staff from the Bureau of Reclamation and representatives of the Helena Valley Regulating Reservoir have had the opportunity to review and agree with the recommended amendments.

The public had an opportunity to provide public comment from Nov. 2 through Dec. 7, 2018, including a public hearing held on Nov. 26 in Helena. FWP received a single public comment from the Helena Audubon Society representing its membership, which was in favor of the rule as proposed.

The commission may vote to adopt the rule amendments as proposed or choose not to adopt the proposed rule amendments. Not adopting the amendments will result in no changes to the current administrative rule of the Helena Valley Regulating Reservoir and the redundant language regarding the use of the land surrounding the reservoir found in the public use rules will remain and would not provide recommended language regarding the use of the surface water of the reservoir. FWP recommends the commission adopt the rule amendments as proposed.

Phil Kilbreath, Game Warden Sargent, stated he is the State Boating Law Administrator. Before he begins he would like to echo what was said to Chairman Vermillion and to thank him for his service on the Commission. He has not been around long and has presented a few boating regulations and cannot imagine what it is like to be on a commission. So, thank you.

The first item that he would like to address is the Administrative Rule Amendments pertaining to the Helen Regulating Reservoir. This would be a final action. The overview of this is a fishing access site that we have an MOU with the Bureau of Reclamation for allowing public access. The MOU has been in place since 1969. The rules that have been established back then are outdated for the new MOU. So, we have had several meetings the irrigation district who also manages the surface waters as well as the BLR. The proposed rules are hopefully something everyone is in agreement to the new MOU. This will remove some redundant language and take care of concerns about surface water as the regulating reservoir is also a back up water supply for Helena.

We did have a public comment process November 2 through December 7, 2018. We held a public hearing on November 22 in Helena. We received a single public comment during the entire process from the Audubon Society that was in support of the rule as proposed. If the Commission chooses not to adopt the Amendments, then we will continue with the redundant language of the current rule. If the Commission adopts then we will continue through with the new proposed language. We recommend that the Commission adopt the new rules as proposed.

Motion: Commissioner Brower moved, and Commissioner Aldrich seconded the Fish and Wildlife Commission adopt the amendments to ARM 12.11.3210 pertaining to recreating on the Helena Valley Regulating Reservoir.

Chairman Vermillion asked if this was the same as the tentative he assumes. Alright then, we will take public comment. This is Lake Helena correct?

Mr. Kilbreath answered that this is a different body of water that is a regulating reservoir. It is a small endowment that is in the Helena Central Valley.

Motion passes 5-0.

7. Extension of public comment and alternative administrative rule proposal pertaining to amendments to current no-wake zones and adoption of new no-wake zones on Canyon Ferry Reservoir

Canyon Ferry Reservoir is a large impoundment of the Missouri River in central Montana near Helena that sees a large volume of recreational boating and camping during the summer months. Commercial marinas around the lake have no-wake zones in place, and several public boat ramps do as well. The commission proposed ARM amendments last October that sought to proactively address safety by adding no-wake zones to areas of heavy usage. The department now recommends an alternative proposal, which would achieve the same goals as the original proposal and respond to concerns raised by the public. The alternative creates a 200-foot no-wake zone of the north end of Canyon Ferry Reservoir, starting at Kayley Bay on the north shoreline and ending at Crittenden on the south shoreline (see map). This provides a 200-foot no-wake buffer in front of all cabins on the lake and does not impose restrictions on the undeveloped shorelines of the lake.

Public comment was taken from Nov. 2 through Dec. 7, 2018, including a public hearing held on Nov. 29 in Helena. FWP received 16 written comments and five oral comments at the public hearing. Most of the public comments were in favor of increased no-wake zone restrictions on the north end of the reservoir due to heavy boat traffic. Multiple commenters suggested the commission adopt similar rules to the western fishing district by establishing a no-wake zone within 200 feet of the shoreline.

The commission may choose to propose the alternative amendments for no-wake zones on Canyon Ferry Reservoir and extend public comment accordingly; the commission may choose to adopt the original proposal partially or in its entirety; finally, the commission may choose not to adopt any rule amendments.

FWP recommends the commission propose the alternative amendments. The alternative proposal seeks to strike a balance between the recreating public and the concerns of cabin owners on the lake. The alternative proposal was developed based on public comments received during the process and the success of the 200-foot no-wake zone in the western fishing district.

Phil Kilbreath, Game Warden Sargent, stated at the last Commission meeting they had initiated public comment for a rule proposal that would provide a no wake zone around most of the public boat ramps on Canyon Ferry Reservoir. The Commission approved this to go through with rule making. In the public comment period, most of what we heard was concerning the north end of the lake.

What this proposal does is add a piece for Kaley Bay and extend the public comment period for this proposal to address a 200 foot no wake zone extending from the back of Kaley Bay to the north end of the lake and ending at Crittendon Bay. What this does is provide a 200 foot no wake zone in front of all the cabin sites around the lake. The public rule language pertaining to public boat ramps would stay the same. Court Sheriff would also stay the same. The 200 no wake zone would allow for a general buffer zone around the cabins. We feel that this could be improved safety considering cabin sites have a lot of traffic in and out of that area. It also provides an area where non-motorized boats do not have to be in contact with other boats wakes.

We did have a public comment period on this as well from November 2 to December 28, 2018. We also held a public hearing on December 29. We received a total of 16 written comments and five oral comments at the meeting. Most were in favor of no wake restrictions but did get multiple comments regarding the Commission adopting similar rules for the western fishing district. The western fishing district has a 200 foot no wake zone over all the lakes over 35 acres. With Canyon Ferry, we felt that we did not need that over the majority of the lake as there is nothing out there but shoreline. To address all concerns, we thought we would address this alternative proposal.

The Commission can choose to propose the alternative amendments to the Canyon Ferry Reservoir and extend public comment or choose to adopt the original proposal partial or in its entirety. The Commission may also choose not to adopt any rule.

FWP recommends the commission propose the alternative amendments. The alternative proposal seeks to strike a balance between the recreating public and the concerns of cabin owners on the lake. The alternative proposal was developed based on public comments received during the process and the success of the 200-foot no-wake zone in the western fishing district. We are trying to strike a balance between the non-recreating public and cabin owners on the lake. It was based on public comment and the success of the 200 foot no wake zone in the western fishing district.

Motion: Vice Chairman Stuker moved and Commissioner Aldrich seconded that the Fish and Wildlife Commission propose the alternative administrative rule amendments to the original no-wake zones proposal for Canyon Ferry Reservoir and extend public comment to consider the alternative proposal.

Vice Chairman Stuker stated that this would be beneficial and answer some questions and concerns that we have had from the general public that have come to us over the last several months. He supports the proposal.

Motion passes 5-0.

8. 2019-20 CSKT Fishing and Hunting Regulations

The Confederated Salish and Kootenai Tribes (CSKT) and the state of Montana have a cooperative management agreement on the Flathead Reservation that provides for presentation and approval of coordinated Tribal regulations and season frameworks for fishing and hunting regulations to the Fish and Wildlife Commission. Tribal recommendations are first presented to the joint Flathead Reservation Fish and Wildlife Board (created under 87-1-228, MCA, and through subsequent state-tribal agreement), which votes on tentative proposals and opens them to general public review and comment. The board then meets for final adoption. Adopted final proposals are then presented to the Confederated Salish and Kootenai Tribal Council. Commission endorsement is subject to final Tribal Council approval. The Tribe is proposing the following changes for Non-Members for the 2019-20 regulation year:

- *Increase costs of all types of Conservation Permits (yearly, short-term, combined and disabled, along with every resident category) by \$6.*
- *Approve the additional CSKT fishing license AIS Prevention Pass add on for all Reservation Fishing Stamps (current AIS fee for anglers is \$2 for Mt residents and \$15 for out of state residents). Approval will require, as stated in the MT/CSKT hunting and fishing agreement, all revenues derived from this fishing licensing requirement to be transferred to the CSKT conservation account for use on the Reservation resources.*
- *Daily creel limit for Brook Trout and Northern Pike increased to any number (no limit).*
- *The use of drones or any other remotely-operated devices to move, flush, or cause migratory waterfowl and other game birds as an aid in hunting of the species is prohibited.*
- *Add a "Special Youth Pheasant and Waterfowl Hunting Days" provision as follows: Special Youth Pheasant and Waterfowl Hunting Days, may be scheduled annually for a two-day weekend period prior to the opening day of pheasant and waterfowl hunting and conservation. Legally licensed youth hunters 12-15 years of age may hunt pheasants and legally huntable species of migratory waterfowl on these dates if accompanied in the field by a non-hunting adult at least 21 years of age. Youth hunters and accompanying adult must possess a valid Tribal Conservation Permit and Bird Hunting Stamp. In addition, youths 10 and 11 years of age that are certified as Apprentice Hunters under Montana Fish, Wildlife and Parks' Apprentice Hunter Program, and who have a Mentor who meets all criteria of the program, may also hunt during the Special Youth Pheasant and Migratory Waterfowl Days, as well as*

during the general hunting season for both. Mentors must possess a valid Tribal Conservation Permit and Bird Hunting Stamp. All youth hunting must comply with current bag and possession limits, shooting hours, hunter education, and all other applicable regulations that apply during the regular hunting seasons.

The Confederated Salish and Kootenai Tribal Council and the Flathead Reservation Fish and Wildlife Board processes include public comment.

Recommend endorsement of 2019-20 Flathead Indian Reservation fishing and hunting regulations subject to Tribal Council approval.

Eileen Ryce, Fisheries Administrator, greeted Commission and stated she was asked to give a couple of quick updates for launching into the agenda. One is on the Missouri River and have been working on that for quite some time. There was a survey open online and the results for the survey are going to be here at Montana Wild and expecting a good turnout. There are many people anxious to hear the results. The next move is to set up facilitated work groups to start working on a new plan that will eventually come back to you at some point.

The other item is the Statewide Program and Guide. You remember when we presented the proposal there was a lot of discussion if walleye were native to Montana. Since then, the Department has presented to the American Fishery Society the information that we have learned on the subject. We have a public meeting scheduled for February 28, 2019 in Helena. We are expecting a large turnout for that. The State Program and Guide draft is expected to come to you in April. That is just a quick update before we get into the agenda item.

We have an endorsement for the CSKT cooperative management agreement on the Flathead Reservation that provides for presentation and approval of coordinated Tribal regulations and season frameworks for fishing and hunting regulations to the Fish and Wildlife Commission. the Tribal recommendations have been presented to the joint Flathead Reservation Fish and Wildlife Board. We are now bringing this you for endorsement. Final adoption would then be made by the Tribal Counsel.

The proposed changes for nonmembers are the 1920 regulations are an increase of six dollars for all types of conservation permits with an addition of a CSKT fishing license, AID Prevention Pass, and for all reservation fishing stamps. A change to no daily limit for brook trout and northern pike. Prohibiting the use of drones and other remotely operated devices to use, move or flush migratory waterfowl or other game birds as an aide in hunting of the species. This will also add a special youth waterfowl hunting days. The tribal counsel and joint board process does include a public comment period. We can answer any questions and wildlife is here for any questions. Thank you.

Chairman Vermillion asked about nothing being mentioned about lake trout. Does the tribe have the authority?

Ms. Ryce stated that she believes that is done jointly between us and the tribe. There were no recommended changes. She is assuming that they are going with what is currently on the books.

Motion: Commissioner Aldrich moved, and Commissioner Colton seconded that the Fish & Wildlife Commission endorse the 2019-20 Flathead Indian Reservation fishing and hunting regulations as presented and subject to final Tribal Council approval.

Vice Chairman Stuker stated that based on the question that was just asked. He asked Legal if we need to add anything on there that the regulations stay the same.

Becky Dockter, Chief Legal Counsel, stated she thinks that is a good way for us to continually do any regulations is make sure that is the case. Since it is not presented here, it is an assumption for certain that the tribal counsel did the same thing with the adoption of the regulations. She would assume they would have to do the same thing to bring last spring's regulations forward. She thinks that it would be a good practice.

Commissioner Aldrich stated that if she could add for clarification.

Chairman Vermillion stated that would add to the amendment.

Commissioner Brower seconded it.

Motion passes 5-0.

9. Amendments to Bitterroot River Commercial Use Permit Restrictions (R2)

In 2017, the Fish and Wildlife Commission proposed administrative rules restricting recreational and commercial use of the West Fork of the Bitterroot River and the Upper Bitterroot River. The proposed rules were intended to address concerns about congestion on the river and social conflicts between river users and were based on the recommendations of a citizen advisory council (CAC) in accordance with the River Recreation Management Rules. During public comment regarding the proposed rules, it became clear that there were different interpretations of what a "float" entailed. The commission adopted the new administrative rules at their Dec. 7, 2017, meeting after a clarification of how a float would be defined and directed the department to provide a report to the commission about the effectiveness of the rule after the first year of implementation to see if any amendments would be necessary.

The department analyzed the 2018 monitoring data and on Jan. 7, 2019, held a meeting that included 11 of the 16 CAC members that developed the rule language proposed in 2017. Based on the data analysis and feedback provided at the meeting, the department is recommending amending ARM 12.11.6302 to change "floats" to "launches" and provide a definition for "launch." In addition, the department is proposing the correction of a drafting error that is consistent with the intent of the CAC's 2017 recommendations. The correction would provide a timeframe from June 1 to Sept. 15 for the launch restriction per section of river for commercial use permit holders instead of the restriction being year-round.

If the commission proposes the recommended amendments, the public comment period will begin on Feb. 22 and one public hearing will be held in Hamilton on March 19 at the Bitterroot National Forest Supervisor's Office.

Alternatives and Analysis:

1. The commission proposes the recommended amendments to ARM 12.11.6302 in response to the public and users of the river after the first year of adopting new rules.

2. The commission does not propose the recommended amendments and the Bitterroot River Commercial Use Permit administrative rules will be reevaluated in 2024 pursuant to ARM 12.11.6306.

The department recommends amending ARM 12.11.6302 in response to comments received during the original proposal in 2017 and more recently, one year after adoption of the rules.

Eileen Ryce, Fisheries Administrator, stated that Don Skaar would be presenting. He is the Habitat and Access Bureau Chief.

Don Skaar, Fisheries Habitat and Access Bureau Chief greeted Commission. He stated that he wanted to talk about the Bitterroot commercial use permit restrictions. The Commission adopted the current administrative rules in December 2017. The current rules were meant to address the congestion on the Bitterroot River and the upper Bitterroot River. Amid the process at the December 2017 meeting was the acknowledgement of different interpretations of what a float entailed. The Commission also directed the Department to provide a report after a year about the effectiveness of the rule and the need for amendments.

Based on the analysis of the 2018 data and feedback received at a January meeting with 11 of 16 original citizens advisory committee members who developed the rule language; we are recommending changes to the ARM rule 12.11.6302 to change floats to launches. We want to define launch We are also proposing to correct a drafting error that would restrict what is currently a year-round restriction to a June 1 to September 15 restriction. This would be the time frame for launch restrictions per section of river for commercial permit holders.

If the Commission proposes the recommended amendments (the draft rule is in your packets), the public comment period will begin on February 22 which will in Hamilton on March 19. Any questions? The staff in Missoula is also available to answer questions.

Motion: *Commissioner Aldrich moved, and Commissioner Brower seconded the commission propose amending ARM 12.11.6302 to change the commercial use restrictions from "floats" to "launches" per section, provide a definition for "launch," and provide a timeframe from June 1 to September 15 for the launch restriction per section of river for commercial use permit holders.*

Chairman Vermillion stated it was his understanding that it was a five-year review.

Mr. Skaar advised that it was 2019. The original rule was in 2019. Five years then, would be 2024.

Chairman Vermillion stated that he thought it was 2017.

Mr. Skaar stated that time flies. He also stated that Chairman Vermillion was right. He mixed that up. He wasn't doing his math. Our thinking that was with this amendment, he didn't see any problem with that.

Chairman Vermillion stated that things pop up that we really didn't envision. We have had time to see how the rules work but we have an opportunity to step in.

Vice Chairman Stuker stated that he would like to make a motion to amend the previous motion from 2022 to 2024. Chairman Vermillion seconded the motion.

Amendment passes 5-0.

Commissioner Aldrich stated he did see Pat Saffle and Randy Arnold sitting there. Maybe it would helpful if they would talk about the reasons why there is a need for the proposal.

Pat Saffle, Missoula Regional Fisheries Manager, stated the reasons for the amendment is if we go back to the December 2017 meeting when this was approved. He was provided a definition for float versus launch. Basically, there was different understandings of the two terms. We went back into the notes and it was clear that we ended up with float. He then provided a definition for that. What was also clear at that time was in talking with different committee members there were different understandings of launch. There was some needed discussion and we had to get a year experience under our belt. We met with the committee or a good portion of the committee and 20 or so members of the public. What was we could tweak this part of the rule. The reason being the section lengths were good for summer floats but were not so good for spring floats. They were really kind of too short.

This was a challenge for the commercial users. They were getting charged for two floats that went into two sections. The sections were just too short in the spring.

Chairman Vermillion asked how long the sections were.

Mr. Saffle stated that they were six to nine miles. He was just informed that six might be on the low side. When they try to fit their float into one section, they don't have to go into two sections. It puts the access points at the boundaries. It puts a lot of pressure on those and are seeing a lot of congestion at the boundary access. Launching then freezes up all the access sites. We should be able to reduce congestion.

One thing to note is that it does not affect the noncommercial users. Even though it is allowed to launch anywhere, the commercial users still cannot float through a non-commercial section. One piece to this is that it could theoretically increase the traffic on the river as now the commercial users can now float through all sections and he thinks probably with just one of their launches. That could be debatable, but we should have data monitored to see if that is happening.

Commissioner Aldrich thanked Mr. Saffle and Chairman Vermillion. It was nice to take a quick look at this to see what was working and what was not. He thanks the Region 2 people for doing such a great job on this.

Chairman Vermillion stated that there need to be a certain amount of credibility before we can update the rules. Public comment will start officially February 22.

No Public Comment.

Motion passes 5-0.

10. W W White FAS Acquisition (R2)

FWP manages only one FAS on the West Fork of the Bitterroot River, a 1.5-acre site (leased since 2001) known as W W White FAS, located 6 miles south of Darby, Montana. FWP has been contacted by the landowners who would like to sell the current leased acreage and up to an additional 115 contiguous acres which would provide fishing access on approximately 0.47 river-frontage miles as well as protect important wildlife habitat. The landowners have

expressed a desire for the property to be in permanent public ownership. The entire west and southwest boundaries of the property (3/4 miles) are bordered by US Forest Service land. The landowners have been approached by at least one private corporation interested in purchasing the property. The existing leased FAS is a popular site to launch and takeout boats on the river. Primitive camping could be permitted as the property already has an ideal small campground framework established for family use. FWP would like to explore fundraising opportunities with partners and identify potential funding mechanisms from both fisheries and wildlife to purchase the property in fee title.

FWP is seeking endorsement by the Commission to pursue due diligence and possible acquisition of the property. Public involvement would occur through the Environmental Assessment process in both the acquisition process and subsequent site development activities.

The Commission could choose not to endorse pursuing purchase of the currently leased W W White FAS and additional contiguous acreage being offered. Currently the landowners are open to discussing a possible sale to FWP as a first choice. If choosing not to pursue the property, the window of opportunity may close if the owner becomes disinterested in the concept or sells to another buyer. The existing leased FAS could be lost if the property were sold to another buyer. Alternatively, FWP acquiring the property would greatly enhance public access to this section of the river, protect wildlife habitat, and potentially offer camping opportunities for the public.

FWP recommends that the Commission endorse further due diligence towards acquiring the leased W W White FAS and additional contiguous acreage as an FAS. The current leased property is on the West Fork of the Bitterroot River and currently receives a lot of use. FWP acquisition would ensure continued availability of the current site to the public and secure important fish and wildlife habitat. Endorsement would trigger further activities, including public involvement processes if the landowners and FWP can reach feasible agreement details.

Eileen Ryce, Fisheries Administrator, stated the first is an endorsement for acquisition of WW White FAS. We are currently leasing 1.5-acre site six miles south of Darby on the west fork of the Bitterroot. The landowners have approached the Department with an interest of selling us the lease with additional land which includes .47 miles of river front. This would also protect certain riparian and wildlife habitat. The Department recommends endorsement to pursue due diligence for possible acquisition of the property.

Motion: Commission Aldrich moved, and Vice Chairman Stuker seconded that the Commission endorse FWP's request to pursue due diligence towards possible acquisition of the leased WW White FAS and additional contiguous acreage, with the goal of establishing an FWP-owned FAS.

No Public comment.

Commissioner Aldrich stated this not only solidifies a fishing access site but more opportunities for the public to enjoy. This is a marvelous place that happens to be where the canyon stops, and the Bitterroot Valley starts. It is a highly desirable property that people may want to subdivide and put more facilities in there for us to compete with. We don't have ownership at this point. He thinks that this a great thing to look at this very closely and definitizes the alternatives we may have.

Chairman Vermillion stated that this looks like a great opportunity and project in a part of the world that we are getting fishing access sites. We want to thank the landowner for this. It is much appreciated.

Motion passes 5-0.

11. Yellowstone River FAS Acquisition (Highway 89 Bridge), R3

The existing Highway 89 Bridge FAS boat ramp on the Yellowstone River downstream of Livingston is located immediately below where a highway and railroad bridge cross over the river. Floaters must successfully negotiate the various bridge abutments in order to take out at the FAS. Anecdotal information from adjacent property owners and various recreational users have heard of or personally been involved in collisions with the bridge piers. Last spring, two floaters drowned when their boat collided with one of the bridge piers and capsized. In response, FWP staff have evaluated immediate and long-term solutions in hopes to prevent a similar tragic accident from occurring

again. One of those solutions was to locate another potential boat ramp site upstream of the two bridges that could be used as a take-out to provide an alternative to floaters who didn't want to negotiate the bridge piers. Subsequently, FWP staff identified a potential upstream boat ramp location on private land and contacted the landowner. The landowner is open to discussing options and working with FWP staff to acquire a small parcel of land.

There has been no public involvement at this stage of the process. Alternatives and the subsequent analysis will be conducted by the Department upon approval by the Commission.

FWP recommends that the Commission approve the Department to initiate discussions with the landowner for providing an FAS that would allow floaters to take-out above the railroad and highway bridge piers.

Eileen Ryce, Fisheries Administrator, stated the existing Highway 89 Bridge FAS boat ramp on the Yellowstone River downstream of Livingston below a highway and railroad crossing. Floaters must successfully negotiate the various bridge abutments in order to take out in fishing access sites. This can be hazardous. Last spring, two floaters drown when their boat capsized after colliding with the bridge piers. A potential site has been identified upstream that could provide an alternative boat ramp. The landowner is open to discussions and working with staff to acquire a small parcel of land.

FWP recommends the Commission approve discussions and the due diligence process to provide an alternative boat ramp above the railroad and highway bridge piers.

Motion: Chairman Vermillion moved, and Vice Chairman Stuker seconded to endorse FWP's request to pursue negotiations with the landowner to acquire a small parcel of land that can be used as an alternative take-out location for floaters.

Chairman Vermillion stated that this is one of the classic dangers to floaters. He stated that he had hit the bridge piers last year. This is a case where the railroad bridge has not been used for over 50 years. It has become really treacherous. The 89 bridge is a huge safety issue for people who like to float. In trying to figure out how to manage congestion on the Yellowstone you just need to take out that chunk from the bridge to the 89 bridge. There is added congestion there.

Motion passes 5-0.

12. Gallatin County Bridge Realignment into Gallatin Forks FAS, R3

Gallatin Forks FAS is located along the Gallatin River north of Manhattan, Montana in Gallatin County. The Gallatin County Commission is proposing to realign the road and construct a new bridge across the Gallatin River at Nixon Gulch. The purpose of replacing the bridge is to meet the public needs for increased safety and bridge capacity. This realignment will encroach upon the Gallatin Forks FAS at its most northwest corner. The proposed project shifts the roadway and bridge alignment slightly east impacting the FAS parking lot. Approximately 0.05 acres of land will be lost to the FAS. Upon completion, the realigned road, including a gabion-style retaining wall and a small portion of the abutments for the replaced bridge would cross the existing FAS. The County will mitigate the loss of the 0.05 acres by exchanging 0.1 acres of county land. In addition, the County will expand the balance of the gravel parking area south to add more parking, provide a new vault latrine, add a pedestrian crosswalk to increase the safety of visitors crossing the highway and relocate the gravel boat launch.

Gallatin County has received strong public support for the replacement of the Nixon Bridge. Gallatin County Commission sponsored five public meetings with 57 comments being received regarding the bridge realignment and selection. On April 12, 2016, a public meeting was held during the regularly scheduled Gallatin County Commission Meeting to receive comments concerning the Environmental Assessment for the Nixon Bridge. No written comments were received prior to the meeting, and no public comments were received at the meeting. FWP's EA public notice of the proposed project and impacts related to the Gallatin Forks FAS was made available to the standard public notice list for 30 days, beginning Dec. 21, 2018. Two comments were received, one proponent and one opposed. The comments and FWP's responses are attached.

The project required FWP to prepare an environmental assessment to evaluate impacts and mitigative measures. In exchange for the 0.05 acres of Gallatin Forks FAS that will be used for the Nixon Gulch Road realignment, Gallatin County will grant 0.1 acre to FWP for the Gallatin Forks FAS.

The Departments recommends that the Commission approve the exchange of 0.05 acres of land to Gallatin County for the new road alignment in exchange for 0.1 acre of land from the county for the FAS.

Eileen Ryce, Fisheries Administrator, stated that this is a final for Gallatin County bridge realignment onto the Gallatin Forks fishing access site in Region 3. The realignment of the bridge will encroach the fishing access site at the most northwest corner. This will impact the parking lot. The 0.05 acre of land will be lost. The county will mitigate the 0.05-acre loss by exchanging 0.1 acre of county land. In addition, the county will improve the parking area and add a vault latrine as well as add a pedestrian crosswalk. Gallatin county has received strong public support for the project. Two public comments were received on the FWP EA regarding one in support and one opposed. The addition related to the bridge is considered a heritage property.

The bridge is on county land therefore FWP has no authority or jurisdiction of the mitigation of the bridge. The Department recommends that the Commission approve the exchange of land with the county.

Motion: Vice Chairman Stuker moved, and Commissioner Aldrich seconded that FWP initiate the land exchange with Gallatin County.

No public comment.

Motion passes 5-0.

13. Fishing Access Site/Wildlife Management Area Biennial Rule

The Fish & Wildlife Commission Commercial Use Permit Fee Rule sets the permit fees for commercial use occurring at fishing access sites, fish conservation areas, wildlife management areas, and FWP administrative sites. Changes were last made to the fee rule in 2017 and were specific to photographers and film crews.

Public Involvement Process & Results

The commission approved the commercial use permit fee rule for public comment at the December 10 meeting. The public comment period ran from December 14 to January 13. Four comments were received, and are summarized (along with a response from FWP) below:

Comment #1: The outfitters and guides need to pay more than \$100 per year for management of FAS sites. FWP response: Although the FAS permit fee is listed in the Commercial Use Fee Rule, it is only informational, and is formally established in the FAS biennial rule--the 2019/2020 version of which was just approved by the Commission in December 2018. That rule had no change to the \$100 permit fee. The commenter is encouraged to participate in the public comment process when the FAS rule is again up for consideration in the fall of 2020.

Comment #2: "Do the fees collected go into the general funds?" FWP response: The fees go into the General License Account, for the exclusive use of FWP, but not just for FAS maintenance.

Comment #3: "While I see this as a way to increase revenue to help manage our waters in Montana, I do not see any connection on how this helps alleviate the pressure on our more popular rivers and lakes. What is the end goal for charging this fee?" FWP response: The concept behind these fees is to help pay the maintenance costs associated with the commercial use. Tools for alleviating pressure are acquisition of more sites and/or administrative rulemaking to restrict activities of anglers and other water users.

Comment #4: The SRP fee has been raised to \$110, and this is not reflected in the fee table. FWP response: The SRP application fee is controlled by the BLM, not FWP, which is why it is not on the table. However, for clarity the SRP fee will be included in the table for the final rule.

The commission could choose to adopt the fee schedule as recommended by the department or propose changes of their own. If changes are proposed, a new public comment period will be required. FWP does not believe that the comments received warrant changes to the proposed rule, and therefore recommends that the commission adopt the commercial use permit biennial fee rule for 2019/2020 as proposed in December 2018, with the inclusion of the new SRP permit application fee.

Eileen Ryce, Fisheries Administrator, stated the fishing access site and wildlife area biennial rule. No changes to the rule were proposed. Four comments were received and did not believe the comments warranted changes to the rule regarding the December 2018 meeting. Changes to the rule were last made in 2017 that affected photographers and film crews. We recommend adopting the commercial biennial use fee rule that was proposed in December of 2018.

Motion: Commissioner Brower moved, and Commissioner Colton seconded that the commission adopt the commercial use fee rule as recommended by the Department.

Chairman Vermillion stated that the rules will be up again.

Me. Ryce stated that was correct.
Motion passes 5-0.

14. Madison River and Varney Bridge FAS Temporary Closure Rule, R3

The Montana Department of Transportation notified FWP in 2016 of its intention to replace the Varney Bridge over the Madison River on Secondary 249, approximately 8 miles south of Ennis beginning April 2019.

MDT will require the contractor to provide safe public float passage, including a 40-foot wide by 6-foot high effective opening between in-stream construction-related obstructions and appropriate navigational signage and hazard posting. MDT anticipates that there will be times when construction activities will create unsafe conditions for the public and requests that FWP be prepared to temporarily close the river and/or the entire Varney Bridge Fishing Access Site on a short-term basis to all use in the proximity of the construction site. MDT has asked the commission to authorize a rule that would let FWP, in consultation with the local commissioner, temporarily close the river and/or the Varney FAS on a short-term basis during the construction timeline March 15 to Nov. 15. The contractor, with confirmation from MDT, would be required to notify FWP of each occurrence of such a request. FWP would only consider closures in the interest of public safety and if there are no other reasonable alternatives available.

FWP accepted public comment from December 17 to January 13. Twenty-eight comments were submitted. Twenty-three comments supported the proposed rule, but had additional concerns regarding access, crowding, river passage, and public notice. Two comments opposed the rule due to crowding and the belief that access should not be limited on public waters. Three comments were outside the scope of this proposal.

The commission could choose not to propose a rule that would allow temporary short-term closures of the river during construction. Without this option, emergency conditions might precipitate adoption of an emergency rule to close the river and/or the Varney FAS. FWP would prefer to have the ability to anticipate such needed actions to enhance public notice and safety.

FWP believes the proposed rule adequately addresses concerns raised regarding access, river passage during construction, crowding, and public notice. The proposed rule allows FWP to assess the request for temporary closure and determine whether such action is warranted or if other alternatives would have less impacts on recreational interests and public safety.

Eileen Ryce, Fisheries Administrator, stated this is the Madison River Varney Bridge fishing access site temporary closure rule in Region 3. This is to allow for the temporary closure of the river and the fishing access site for public safety reasons. This is regarding the bridge replacement of Varney Bridge. Closures would be limited to what is necessary for public safety. FWP will be notified of each occurrence. The comments were received, and we believe

that this quickly addresses the concerns raised regarding access and river passage during construction as well as public notice and access. We recommend that the commission approve as proposed.

Motion: Commissioner Aldrich moved, and Commissioner Colton seconded that the commission approve an annual rule authorizing FWP, in consultation with the local commissioner, to temporarily close a portion of the Madison River and/or the Varney FAS on a short-term basis as necessary to safely complete removal of the existing bridge and construction of a new Secondary 249 bridge during the time period March 15, 2019 to November 15, 2019.

Commissioner Aldrich stated this is the second one of these that we have had. We need to do the due diligence to make sure that we are taking care of the users as well as the construction people. We want to focus on the safety of the people and not to have unexpected durations of closures. This is going to provide for safety as well as much use as can possibly be done.

Chairman Vermillion agreed, and it is hard to overstate, and the Madison is a busy river. This will help the minimize the impact of the users.

Motion passes 5-0.

15. Future Fisheries Improvement Projects, Winter 2019 Funding Cycle

The Future Fisheries Improvement Program continues to provide funds for projects that restore fishery habitats in streams, rivers and lakes for the benefit of wild fisheries. Applications are reviewed twice each year by the 14-member Citizen Review Panel appointed by the Governor. Recommendations are forwarded to the Fish & Wildlife Commission every six months for consideration and approval. For the Winter 2019 funding cycle, the Citizen Review Panel recommends funding 7 of 11 submitted proposals at a program cost of \$322,050. Matching funds or in-kind contributions from outside sources total \$1,519,313 for a 4.7-to-1 match.

The public is informed about program funding opportunities via news releases, a public meeting, and information posted on FWP's website. The Citizen Review Panel conducted a public meeting and reviewed applications, discussed proposed projects with applicants in attendance, and provided the opportunity for public comment. No public comment was received at the meeting, except from applicants in attendance. All applications received for the funding cycle were posted on FWP's website, which allowed viewers to submit comments online. No online comments were received. Environmental Assessments (EAs) were prepared for four of the seven projects recommended for funding. Of the remaining seven, two have been or will be assessed under the federal National Environmental Policy Act, and one will have an EA completed by the applicant. The comment period for drafted EAs will end February 3rd, and no comments have been received. An update can be provided at the commission meeting.

- A. The commission could approve funding recommendations for active projects submitted by the Citizen Review Panel and prioritized by the ranking committee. This alternative would provide funds to assist in the completion of projects that will improve habitat for wild fish populations.*
- B. The commission could disapprove or modify the recommendations of the Citizen Review Panel. Under this alternative, applicants would need to seek other sources of funding or suspend projects that otherwise would have benefited wild fish populations.*

FWP recommends the commission approve Alternative A, the funding recommendations as submitted by the Citizen Review Panel. Completion of these projects would benefit wild fish populations.

Eileen Ryce, Fisheries Administrator, stated that this is for the Future Fisheries Improvement Project for the winter 2019 funding cycle. The citizens panel met on December 13, 2018 in Helena to develop funding recommendations for the winter 2019 funding cycle. Seven of the 11 proposals received were recommended for funding or partial funding, Funding recommendations total \$322,000 matched with \$1.6 million. Which is nearly a 1:5 match. Requests were nearly \$525, 000. Funding decisions were made in light of limited funds. With the recommendations, all remaining funding will be expended additional funding authority will need to be given by the 2019 Legislative Session.

Zero comments were received during the public comment period. We recommend the Commission approve the funding recommendations for the winter 2019 funding cycle as submitted by the citizens review panel.

Motion: Commissioner Colton moved, and Commissioner Brower seconded to approve the Citizen Review Panel funding recommendations for the Winter 2019 funding cycle of the Future Fisheries Improvement Program.

Chairman Vermillion asked (microphone cut out).

Ms. Ryce answered that it was approved as presented last session. What is happening is that they are getting an increased number of requests and are far exceeding what we have. It does have to get approval each session. We have already presented that during HB 5 hearings. It is her understanding that it has already passed through the subcommittee.

Chairman Vermillion asked if there was extra funding to address the demand for the increase of projects.

Ms. Ryce advised that they asked for the same amount that they have in previous years.

Motion passes 5-0.

Chairman Vermillion stated there are a lot of great projects this year. There are some really great projects percolating up in the Paradise Valley and the Yellowstone, so good work.

Commissioner Aldrich stated he thinks the citizen groups that take care of this job did well. There is great diversity in that group with very smart, educated, and well-trained people. He has sat through a few of the meetings and is impressed with what he sees. He thanks them for the work they do.

Director Williams stated this is an example of a program where partnerships are critical and where we get work done quietly and efficiently. She hopes that we can have more programs like this.

16. Tiber Reservoir Willow Creek Watercraft Inspection Site Lease, R4

State officials are responding to detections of aquatic invasive mussels in Montana after suspect larvae samples were discovered in water samples collected in 2016 in Tiber and Canyon Ferry Reservoirs. A previous boat inspection and decontamination site at the Willow Creek boat ramp at Tiber Reservoir had been utilized through a Bureau of Reclamation permit. Due to public concern regarding inspection compliance, FWP had identified new site closer to Highway 200 that would increase visibility and watercraft inspection compliance. The proposed site is 0.5-acres and privately owned and is located south of Highway 2 by Lothair. The lease has been negotiated for \$1800 annually, for a 1-year term, renewable in 1 to 5-year terms.

On February 10, 2017, the Fish and Wildlife Commission provided an endorsement to FWP to secure sites for AIS watercraft inspection as needed. A draft Environmental Assessment for developing the Willow Creek site is open for public comment, with comments accepted until February 19. Public comments will be compiled and assessed via the EA.

With no action, FWP would continue to monitor Willow Creek as personnel and resources allow. Public concern regarding inspection compliance and visibility would not be addressed. The proposed action at the new site is expected to increase inspection compliance, improve inspection coverage for access sites on the north side of Tiber Reservoir, and capture additional watercraft traveling on Highway 2.

FWP recommends leasing the 0.5-acre site south of Highway 2 near Lothair.

Eileen Ryce, Fisheries Administrator, stated for the record this has been the fastest Fisheries meeting in the last year. Thank you for that. We would like to get approval for the Tiber Reservoir/Willow Creek watercraft inspection site lease. The proposed site is 0.5 acre. The lease has been negotiated for \$1,800 annually. This site will allow the aquatic invasive species program to provide additional protection from the mussel positive invasive water of Tiber Reservoir. The EA is currently out for public comment that closes on February 19, 2019. The Department recommends leasing the 0.5-acre parcel as a watercraft inspection site.

Motion: Vice Chairman Stuker moved and Commissioner Brower seconded that the Commission approve FWP to lease this site for an AIS watercraft inspection site.

Chairman Vermillion went to a meeting with someone that runs a group called conservation dogs. Chairman Vermillion stated that his wife did a study a few years ago with dogs. Dogs were used to detect AIS at the inspection sites and how much more effective dogs can be going through the whole thing. If there were any movement on behalf of the department to look at that sort of surveillance as the stations get backed up (microphone cut out).

Ms. Ryce stated that she would be happy to replace all the staff with dogs and we have used dogs in a couple of pilot tests. This was not for AIS stations but have used them on Tiber Reservoir and Canyon Ferry reservoir in an effort to detect the adult mussels. We have had mixed results from that. As you have mentioned the dogs have been trained for a different purpose which was vessel detection. In a couple of test cases we have used the group out of Flathead that has trained dogs and used them at the stations there.

We have not gone as far as to look into using the dogs on a wider case. She has heard that other states use them a lot particularly in California with great success. Presently, we do not have plans to use dogs more. She knows that they are expensive to train.

Chairman Vermillion stated that what he was told that it was actually cheaper long term. Then there is the initial buy in.

Ms. Ryce stated that was her understanding too. The initial expense of the training and the reward of kibble.

Chairman Vermillion stated that is why we love dogs. He wanted to commend the Department as this particular station created a lot of public comments.

No public comment.

Motion passes 5-0.

17. Agricultural Lease on Great Falls Shooting Complex

The Great Falls Shooting Sports Complex consists of about 942 acres, three miles north of Great Falls. Of the land, FWP owns 582 acres, with the remaining 360 acres owned by the GFSSC. Of the total property, about 622 acres is leased cropland: 321.23 acres owned by FWP and 301.5 owned by GFSSC. A 10-year agricultural lease expired in 2011, and the tenant farmer has been operating under an automatic renewal annually since. The money earned by the tenant farmer was divided between the farmer and the GFSSC on a percentage basis. The GFSSC board of directors recently voted to find a new tenant farmer on a fixed price per acre basis.

A legal notice seeking applicants for a three-year agricultural lease was published twice, Aug. 8-9, 2018, in the Great Falls Tribune. Also, a news release was sent out Aug. 10, 2018. A successful application was submitted by Brad Myers, who lives near GFSSC. Mr. Myers said he would pay GFSSC \$32 an acre, for a

The alternatives would be to continue an annual lease with the previous tenant farmer for considerably less payment: Annual percentage payments have ranged from about \$5,000 to \$19,860. The percentage payment system made budgeting difficult because each year's income fluctuated drastically. With the proposed set price per acre the GFSSC would be assured of a steady income, which could be adjusted when the three-year lease expires.

FWP recommends the commission endorse the efforts by the department and the GFSSC to find a new tenant farmer who would farm the entire acreage starting this year.

Ken McDonald, Wildlife Division Administrator, stated he will do the first part of the agenda and the rest will be presented by Jason Kool, Access Coordinator, and John Vore for the management pieces.

This one is an agricultural lease on the Great Falls shooting complex. This would be a final action for a three-year approval for a lease. The Great Falls Shooting Complex is 942 acres, three miles north of Great Falls. Of the land, FWP owns 582 acres, with the remaining 360 acres owned by the GFSSC. About 622 acres is leased cropland. Of the 622 acres over half is owned by FWP. This is a request for approval for the farming lease specific to the FWP piece.

It has been farmed and leased since 2001. recently there has been a ten-year lease updated every year in annual increments. The decision was made to put it out there for a more competitive approach.

In a response or request for applications, we have a proposal for a three-year agriculture lease at a bid for \$32.00 an acre. The funding for that goes back to the shooting sports complex for operations and maintenance on the 942-acre complex. We are asking the Commission to provide final approval on that.

Motion: Vice Chairman Stuker moved and Commissioner Brower seconded that the commission accept the new tenant farmer application for the agricultural lease at the Great Falls Shooting Sports Complex.

Vice Chairman Stuker stated that we are talking about 321 acres at \$32.00.

Mr. McDonald stated yes that is correct.

Vice Chairman Stuker stated that does not come to \$19,000.

Mr. McDonald stated that amount was for the total 622 acres.

Vice Chairman Stuker asked if the rest was just pasture.

Mr. McDonald stated that it is 600 acres of which about half of FWP owns 321 acres. The complex owns the other 300 acres. It is being managed as a total parcel though.

Vice Chairman Stuker thanked Mr. McDonald.

No public comment.

Motion passes 5-0.

18. Garrity Mountain WMA Addition (R2)

FWP proposed to purchase an approximately 154-acre parcel from YT Timber for inclusion in the Garrity Mountain Wildlife Management Area (WMA), west of Anaconda in Deer Lodge County (see map). The \$416,296 funding for the purchase of the land would come from three sources: \$100,000 from the Montana Fish and Wildlife Conservation Trust (MFWCT), \$50,000 from Habitat Montana, and \$266,296 from the Montana Natural Resource Damage Program (NRPD). The new parcel would be managed as part of GMWMA, and the primary management purposes of GMWMA would continue to be wildlife habitat enhancement and public recreation, including hunting and fishing along Warm Springs Creek. The purchase of the property would protect a migration corridor for bighorn sheep and valuable wildlife habitat, increase public access and recreational opportunities, and prevent possible future subdivision or development of the property, which would directly impact habitat values on the WMA.

A draft environmental assessment was made available for public comment for 30 days from December 2018 into January 2019. The EA was posted on FWP's website and comments could be made directly on the EA's webpage or submitted via mail or email. Legal notices were published twice each in five local, regional, and statewide newspapers. FWP sent 28 printed copies of the EA and 46 emails of the EA's availability to adjacent landowners and interested individuals, groups, and agencies. A statewide news release was distributed Dec. 21, 2018. FWP held a public hearing in Anaconda (Jan. 3, 2019), and eight people attended, six of whom commented. Also, 16 emailed or written comments were received from 12 people and four sportspersons groups (Anaconda Sportsman's Club, Montana Chapter Backcountry Hunters & Anglers, Montana Wild Sheep Foundation, and Montana Wildlife Federation). Commenters included 11 from Deer Lodge County and nearby areas, eight from other towns in Region 2 and Montana, one from Washington state, and one unknown; at least four of the commenters own land adjacent or nearby the proposed acquisition parcel. In summary, all 21 commenters supported the proposal, and no comments were received in opposition. FWP published a decision notice on January 25, 2019 that supported proceeding with this acquisition.

No action is the only viable alternative, which would leave the current ownership pattern in place. The property would likely be subdivided and/or developed, placing traditional public access to the existing WMA from this location in jeopardy. If developed, the bighorn travel corridor would likely be disrupted, and disturbances associated with human development would be felt on adjacent WMA habitats. This

FWP recommends that this purchase be completed. The project is strongly supported in the local area and among neighbors to the proposed acquisition. The project would help protect habitat values on the WMA while expanding the conservation footprint – ensuring unimpeded bighorn sheep movements and allowing for additional access to hunting and other wildlife-related recreation.

Ken McDonald, Wildlife Division Administrator, stated this was for final approval to purchase a 154-acre parcel to add to the Garrity Mountain WMA. This is currently owned by YT Timber and will help solidify the boundaries of the WMA and provides a migratory corridor for bighorn sheep in that area and other wildlife habitat creation opportunity. The appraised price is \$416,296 and of that the majority will come from the Natural Resource Damage Program, \$266,296 from the NRD, and \$100,00 will come from the Fish and Wildlife Conservation Trust, also known as the Canyon Ferry Trust. Another \$50,000 would come from Habitat Montana. Once the project was endorsed by you, we worked on an EA and public process. They held a public meeting in Anaconda where eight people showed up. We received 18 written comments and a total of 21 comments in support of this and none in opposition. We issued a decision notice to proceed. We are asking your final approval to finish this project up. Thank you.

Motion: Commissioner Aldrich moved, and Commissioner Colton seconded that the commission approve FWP's proposal to purchase the approximately 154-acre parcel from YT Timber to add to the Garrity Mountain Wildlife Management Area.

Chairman Vermillion stated that it looks like the Clark Fork runs down the northern border of the property and that should be some good fishing too.

No public comment.

Motion passes 5-0.

19. Wall Creek WMA Addition (R3)

FWP proposes purchasing 11.4 acres of high-priority elk winter range to the northeast corner of the Wall Creek Wildlife Management Area (WMA) (currently 7,197 acres) in the Madison Valley. The primary goal is to protect the integrity of this part of the WMA by avoiding a housing development and the associated disturbance of such developments to surrounding lands while also maintaining wintering habitat for elk and deer and year-round habitat for pronghorn.

FWP has communicated with the Rocky Mountain Elk Foundation, The Nature Conservancy, and the Greater Yellowstone Coalition on this proposed project. There has been no other public involvement to date. Upon commission endorsement, FWP would conduct appropriate public review and analysis.

The only alternative is to not pursue the opportunity to purchase these small parcels, which likely would result in residential development. Over the past five years, 2,100–2,700 elk have wintered on the Wall Creek WMA and surrounding lands. Past monitoring of radio-collared elk captured on the Wall Creek WMA demonstrated that elk wintering on the WMA distribute across the Gravelly, Greenhorn, Snowcrest, Sweetwater Hills, Blacktail, Centennial, and Henry Mountains during the snow-free months of the year (see maps). If one or both parcels were developed with residences, associated human disturbance would radiate onto adjacent WMA lands, potentially displacing wintering elk and impacting other wildlife habitat functions on the WMA. Development of residences in this area could also conflict with hunters and other public recreationists using the adjacent WMA.

FWP recommends commission endorsement of this proposal, allowing FWP to complete additional due diligence, environmental analysis, and public review processes to better understand the viability of this addition to the WMA.

The parcels are entirely surrounded by WMA and BLM lands. The adjacent publicly managed habitats would be impacted if residences were established on these parcels.

Ken McDonald, Wildlife Division Administrator, stated the maps for this packet did not turn out well. He passed out a new version, so the Commission could understand what he was talking about. With the Commission's endorsement we would continue with due diligence to purchase an 11.4-acre piece of the very end of Wall Creek WMA. It is two parcels that have potential to have homes built there. It is a key part of the WMA. We are asking for your endorsement to proceed to acquire the parcels. This will help solidify the integrity of the WMA. If you do endorse this, we will proceed with public process. This will provide important habitat for deer, elk and other wildlife. Thank you.

Motion: Commissioner Brower moved, and Commissioner Colton seconded the commission endorse this proposed addition to Wall Creek WMA, allowing FWP to conduct due diligence and associated habitat acquisition processes. Vice Chairman Stuker would like to say that any of the items or projects like this where we can get inholdings to keep houses from being built and commercial projects is very important. He thinks that this is a great project.

Commissioner Aldrich stated that he has spent a lot of time in that valley. That is a great piece of real estate for FWP and the people of Montana to have that area with elk all around it. It is extremely valuable as Vice Chairman Stuker says, we shouldn't infringe on that in any way.

Chairman Vermillion agreed that it was a valuable inholding and valuable public land.

No public comment.

Motion passes 5-0.

20. Partial Assignment of Conservation Easement (Access) on Buxbaum-Boulder Creek Ranch (R2)

FWP proposes to accept assignment (delegation) of the "right of public hunting access" component of a conservation easement (CE) to be held by the Five Valleys Land Trust (FVLT) on the Buxbaum-Boulder Creek Ranch (see Figure). The 1,193-acre ranch is located south of Drummond in Granite County and includes native grasslands, forested draws, pocket wetlands, and aspen stands. FVLT would purchase a CE on the ranch to permanently protect the property's wildlife habitat and conservation values by preventing subdivision or development while keeping the ranch in private ownership and management. FVLT would assign to FWP the CE rights portion that provides for public hunting access on the ranch. Funding for the CE is coming from the Montana Department of Justice Natural Resource Damage Program (NRDP) and the USDA Natural Resources Conservation Service's Agricultural Conservation Easement Program. No FWP funds would be involved; therefore, the proposed action is for FWP to accept assignment of the right of public hunting access in perpetuity, as set forth in the CE to be held by FVLT.

A draft environmental assessment (EA) was available for a 30-day comment period from December 2018 into January 2019. The EA was posted on FWP's website, and legal notices were published twice each in five local, regional, and statewide newspapers. FWP sent printed copies of the EA and emails of the EA's availability to adjacent landowners and interested individuals, groups, and agencies. A statewide news release was distributed Dec. 28, 2018. FWP received 11 emailed comments, representing seven people and four groups (Anaconda Sportsman's Club [ASC], Hellgate Hunters & Anglers, Montana Chapter Backcountry Hunters & Anglers, and Montana Wildlife Federation). Commenters included seven from Granite County and nearby areas and four from other towns in Region 2 and Montana. FWP also held a public hearing in Drummond (Jan. 8, 2019) with six members of the public attending; two of which (both representing ASC) provided public testimony. Summarizing the total 11 commenters on this proposal: nine (including the four sportspersons groups) support to strongly support the proposal; one commenter stated it appeared to be good for hunting access, but asked if there would be non-hunting access such as hiking allowed; and one commenter essentially opposed the proposal, stating money should not go a rich person, FWP should just purchase the land, half the area lacks good hunting, and subdivision would be unlikely given what happened with a nearby subdivision.

Under the No Action Alternative, FWP would not accept assignment of the rights for public hunting access on the ranch from FVLT's CE. This would be expected to result in a failed CE project (i.e., the CE would not be purchased and finalized due to lack of a public hunting access component in the CE as desired by NRDP, an essential funding institution). In that event, the opportunity to secure perpetual public hunting access could be lost.

FWP recommends accepting assignment of the hunting access portion of the CE on the Buxbaum-Boulder Creek Ranch CE. The project would secure public hunting access to private lands in perpetuity and is generally supported in the local area and by area sportsperson groups.

Jason Kool, Access Coordinator Bureau Chief, greeted the Commission. He stated that creating hunting access solutions that are some of what you see here today. This is a final that you provided an endorsement for in April of 2018. This is to adopt the assignment of the hunting access rights on the Buxbaum on Boulder Creek Ranch. This property is about 1,200 acres over by Maxville. It is through a generous partnership that Buxbaum family, NRD and Five Valleys Land Trust. It is through these kinds of projects are able to be done. We really support and thank NRD for keeping access as component of their projects. No funds would be used from FWP. A draft EA went out for a 30-day comment period in December. It was posted on FWP website.

Notices are published in various newspapers as well as notification to adjacent landowners. We had a public hearing in January 2019. There was a total of 11 comments. Ten of the comments agreed the project is good for hunting access but would like to see other recreational opportunities provided. One comment was against it as opposed to getting hunting access rights. We ask that the Commission finalize this project.

Motion: Commissioner Aldrich moved, and Commissioner Brower seconded that the Commission approve FWP's proposal to accept delegation from FVLT of the hunting access portion of its Buxbaum-Boulder Creek Ranch CE in Region 2.

Chairman Vermillion asked if the hunting rights were a component of the conservation easement.

Mr. Kool stated that he believes that NRD is requiring a hunting access and we are jumping in to help manage that for hunting.

Chairman Vermillion stated when he looks at this and thinks of all the press that relates to conservation easements particularly. This is an example much like Horse Creek where we are working with private landowners to provide perpetual hunting accesses. It may not appear right now that this is important but in a hundred years people will be thanking you for it. Good work. He strongly supports this.

Commissioner Aldrich stated he agrees that this is a great acquisition of opportunity for a lot of sportsman. This is an area that is close to home. He wanted to offer thanks to Five Valleys Land Trust as well as the landowners who help make these things happen. We are seeing more and more partnerships that are worth their weight in gold.

Director Williams added this is another example of hard worked out relationships. This is a great idea moving forward. She wanted to thank NRD and Five Valleys Land Trust as well as the Region. She thinks that it demonstrates that we are not being greedy. We are not gobbling up land but are looking for public access.

Chairman Vermillion stated this helps facilitate our wildlife management goals. So, how is this going to be managed? Is this going to be like block management? This is about 1,000 acres or so. Will this have limited access, so the elk stick around or how do envision doing that?

Mr. Kool advised that it was originally designed for 50 hunter days. Typically, those are managed through block management.

Chairman Vermillion stated typically people sign up for reservation. First come first serve.

Mr. Kool advised that was correct. It will be a reservation type system.

Motion passes 5-0

21. Partial Assignment of Conservation Easement (Access) on Graveley Ranch (R2)

Five Valleys Land Trust (FVLT), the Department of Justice Natural Resource Damage Program (NRDP), and the Graveley family are working to place a conservation easement (CE) on 5,167 acres of Graveley Ranch land in the foothills of the Garnet Mountains near Garrison in Powell County (see separate Figure). The Graveleys have agreed to grant a conservation easement to FVLT that includes perpetual public hunting access, in combination with an adjacent 3,110-acre property (NCP Bayou II) that would be purchased by the Graveley Ranch with funds from the

sale of the Gravely Ranch CE. The combined properties would therefore result in a conservation footprint of 8,277 acres in the area. FVLT proposes to assign the management of public hunting access on the CEs to Montana Fish, Wildlife & Parks (FWP) in perpetuity. On their current property, the Graveleys have historically allowed more than 400 hunter days annually. FWP would work with the landowners to identify minimum hunter days, consistent with historic use, for perpetual public hunting access for this property. Funding for the Graveley Ranch CE would come from NRDP and FVLT. No FWP funds would be involved; therefore, the proposed action is for FWP to pursue accepting management of the right of public hunting access on the Graveley Ranch CE in perpetuity.

This is a new proposal before the commission, so no public comment or involvement has been solicited by FWP to date. Requisite public involvement through a draft environmental assessment (EA) and public hearing would be sought, pending approval to proceed. NRDP recently conducted a 30-day public comment period for its proposed funding of a portion of these CE proposals, and the 11 comments it

Proposed Action: FWP proposes to work with FVLT, NRDP, and the Graveley family to secure a conservation outcome for the Graveley Ranch property, including the management of perpetual public hunting access assigned to FWP.

No-Action Alternative: FWP would forgo the opportunity to pursue this public hunting access opportunity. This outcome may result in a failed CE project (i.e., the CE would not be purchased and finalized due to lack of a public hunting access component in the CE as desired by NRDP, an essential funding institution). In that event, the opportunity to secure perpetual public hunting access could be lost.

FWP recommends that it be allowed to pursue and evaluate this opportunity to receive assignment of the public hunting access to this property.

Jason Kool, Access Coordinator Bureau Chief, greeted the Commission. He stated that there were maps in the Commission packets. The Graveley family in Garrison and Five Valleys Land Trust as well as the NRD program has worked on 5,167 acres of the Graveley property. The conservation easement will be in conjunction with the next agenda item. Historically the Gravely family has allowed over 400 hunter days. Funding would come from NRD and Five Valleys Land Trust. This is an endorsement for the Commission. All we would be doing is managing the hunting access right on the property. Much like the last item you just finalized.

Public comment.

No public comment.

No Commission comments.

Motion: Commissioner Aldrich moved, and Commissioner Colton seconded the commission endorse FWP's proposal to pursue and evaluate this opportunity to accept delegation from FVLT of the public hunting access rights of FVLT's proposed Graveley Ranch conservation easement.

Motion passes 5-0

Chairman Vermillion stated this is a great project and thanks to the Gravely family. Mr. Kool agreed. He also wanted to thank the Graveleys.

22. Partial Assignment of Conservation Easement (Access) on NCP Bayou II Properties (R2)

Five Valleys Land Trust (FVLT), the Department of Justice Natural Resource Damage Program (NRDP), The Conservation Fund (TCF), and the Graveley family are working to place a conservation easement (CE) on 3,110 acres of NCP Bayou II land in the foothills of the Garnet Mountains near Garrison in Powell County (see separate Figure). The Graveleys would use the funds from the sale of the Gravely Ranch CE on 5,167 acres of their current property to purchase the adjacent properties currently owned by Connecticut-based NCP Bayou II. The Graveleys would then sell a CE to FVLT on their NCP Bayou II property, leading to an overall conservation footprint in the area of 8,277 acres.

FVLT proposes to assign the management of public hunting access to Montana Fish, Wildlife & Parks (FWP) in perpetuity. On their current property, the Graveleys have historically allowed more than 400 hunter days annually. FWP would work with the landowners to identify minimum hunter days, consistent with historic use, for perpetual public hunting access for this property. Funding for the NCP Bayou II property CE would come from NRDP, TCF, and FVLT. No FWP funds would be involved; therefore, the proposed action is for FWP to pursue accepting management of the right of public hunting access on the NCP Bayou II CE in perpetuity.

This is a new proposal before the commission, so no public comment or involvement has been solicited by FWP to date. Requisite public involvement through a draft environmental assessment (EA) and public hearing would be sought, pending approval to proceed. NRDP recently conducted a 30-day public comment period for its proposed funding of a portion of these CE proposals, and the 11 comments it received were all in general support of its funding proposal.

Proposed Action: FWP proposes to work with FVLT, NRDP, TCF, and the Graveley family to secure a conservation outcome for the NCP Bayou II property, including the management of perpetual public hunting access assigned to FWP.

No-Action Alternative: FWP would forgo the opportunity to pursue this public hunting access opportunity. This outcome may result in a failed CE project (i.e., the CE would not be purchased and finalized due to lack of a public hunting access component in the CE as desired by NRDP, an essential funding institution). In that event, the opportunity to secure perpetual public hunting access could be lost.

FWP recommends that it be allowed to pursue and evaluate this opportunity to receive assignment of the public hunting access to this property.

Jason Kool, Access Coordinator Bureau Chief, stated this is a very similar project but a little more unique as it is going to require more logistical things. currently, the NCP Bayou II company from Connecticut owns the property highlighted in red on your maps. The plan is that with the funds from the conservation easement with the Gravely project will be used to purchase this property. A conservation easement will then be placed on that property with Five Valleys and NRD. We will also manage the hunting access for that property as well. It will take a little more leg work and opportunity but with the positive support from the community. NRD's public comment period went out and came back in support of this proposal.

What is unique about this project is there is some inaccessible land of DNRC's and BLM that would be opened up as a result of the conservation easements. These are really unique creative opportunities. With your permission we would like to go out for public comment on the hunting access rights. Thank you.

Motion: Commissioner Aldrich moved, and Commissioner Brower seconded the commission endorse FWP's proposal to pursue and evaluate this opportunity to accept delegation from FVLT of the public hunting access rights of FVLT's proposed NCP Bayou II conservation easement.

Public comment.

No public comment.

Commissioner Aldrich stated the area surrounded in the east by the Little Blackfoot and the Clark Fork on the south will provide opportunity for a lot of critters as well as winter range needs. All the partners that come together to make these things happen are a gift in many ways to the public.

Chairman Vermillion added a sincere thanks to everyone who worked on this. These are great projects.

Motion passes 5-0.

23. Harris Land and Cattle Conservation Easement Amendment (Subdivision Rights)

FWP purchased a 10,013-acre Conservation Easement (CE) in 1998 in the Highwood Mountains from the Marjorie Gray Family. The CE allowed the land to be divided and sold into 640-acre or larger parcels as long as the land remained in agricultural use and subject to terms of the CE. The agricultural subdivision language found in the Harris Land and Cattle CE was commonly used in 1990s and early 2000s era conservation easements but was discontinued in more recent agreements. The language has proven problematic over the years on earlier conservation easements by placing additional strains on staff capacity, increased susceptibility of stewardship violations, and complicating resource management and public access objectives. Per current easement terms, the Harris Land and Cattle CE could legally be subdivided into 15 640-acre parcels. To date, one 700-acre block has been sold. Lands to the north of the ranch have experienced small residential lot development. There is increasing potential for dividing the ranch into horse pastures and other small grazing parcels. FWP proposes to amend the Harris Land and Cattle CE by purchasing the agricultural subdivision rights.

Upon commission endorsement, FWP would complete an Environmental Assessment (EA) with a 30-day public comment period on the proposed action. Legal notices would be printed in the Great Falls Tribune. The EA would also be posted on the FWP website.

Two alternatives were considered: 1) (No Action) FWP does not amend the Harris Land and Cattle CE, leaving open the potential for subdivision of the property into 640-acre or larger parcels; and 2) (Proposed Action) FWP amends the CE, removing the language that allows the landowner the right to subdivide the land for agricultural purposes. Proceeding with the proposed action could assure habitats and access opportunities in this conservation easement would continue to be managed as one large unit.

FWP recommends that the commission endorse this project because of the benefits to wildlife, the recreating public, and maintenance of a viable family agricultural operation.

Ken McDonald, Wildlife Division Administrator, stated that there is currently an easement on the 10, 013-acre ranch owned by Harris land and Cattle Company. The easement was done in 1998. At that time, we split into minimum 640-acre parcels with the caveat that the could only be used for agricultural purposes. Since then, we realized that was not good for the integrity of that easement and could legally be subdivided into 15 640-acre parcels. It detracts from the overall wildlife and ecosystem values. What we are proposing to do.

What we are proposing to do is amend the easement and purchase the agricultural subdivision rights so that it would remain intact. One 700-acre parcel has been split off. The easement terms still remain on there. There are at least 15 more splits that could happen there. We ask that you endorse this and proceed with the public process and evaluation to come back to the Commission.

Motion: Vice Chairman Stuker moved and Commissioner Colton seconded the commission endorse this proposed amendment to the Harris Land and Cattle Conservation Easement, allowing the department to conduct further analysis and public review.

Commissioner Colton stated it will be fascinating to see the appraisal.

Mr. McDonald added they did one a year ago and now finalized it. It came to be about \$200,000.

Commissioner Colton asked if this was in the high woods.

Mr. McDonald stated no.

Chairman Vermillion asked if that was near Whitehall and thought that had been blocked.

Mr. McDonald stated that it was a Land Board issue that was resolved.

Chairman Vermillion asked about the hunter days.

Mr. McDonald stated he did not have an answer ready. He could find out and get back to the Commission.

Chairman Vermillion asked if there was a change to it.

Mr. McDonald stated no. the big concern for this is that instead of one large block it is 15 parcels. In hindsight this is a better approach.

Motion passes 5-0.

24. The Nature Conservancy Biennial Rule Regulating Use on Recreation Management Area Lands

This proposal would extend for two years The Nature Conservancy Recreation Management Area biennial rule previously established by the Fish and Wildlife Commission in August 2015. During the winter of 2015, MTFWP met with The Nature Conservancy to discuss ideas for a possible land recreation management plan for their 163,883 acres in Missoula and Powell counties including their Clearwater – Blackfoot Project acquisition of 117,152 acres purchased from former Plum Creek Timber Company in January 2015. The Nature Conservancy Recreation Management Area biennial rule was renewed by the Fish and Wildlife Commission in August 2017. The proposed renewal of this biennial rule would continue providing year-round recreational access for public use.

Public notice of the rules and a public comment period will begin if the commission approves the proposed rules.

Managed public access will reduce the resource damage, prevent vehicular damage to soils and vegetation, and will avoid excess disturbance to native wildlife including threatened and endangered species. Without these rules, TNC may close these lands to public access. FWP recommends the commission propose the rule for public comment.

Jason Kool, Access Coordinator Bureau Chief, stated this is a renewal proposal. This is a renewal of previous biennial rule with the Nature Conservancy. We want to thank them for allowing us to have public access to these lands and the creativity that happens to maintain the lands. This will similar to what you saw in 2015 and 2017. This will be the 2019 biennial rule proposal that will go out for public comment. There will be a change to consider electric bikes as motorized vehicles, so they are not allowed to go just anywhere. This is similar to the Forest Service. This is the one change. We ask for permission to take this out for public comment on this renewal.

Motion: Commissioner Aldrich moved, and Commissioner Brower seconded the Fish and Wildlife Commission propose biennial rules regarding public use within The Nature Conservancy Land Recreation Management Area.

Public comment.

No public comment.

Commissioner Aldrich stated this is a well utilized chunk of property and provides a lot of hunting and hiking opportunities. It is a great thing to continue this relationship.

Chairman Vermillion stated if you look at all the projects we just approved there is a real momentum in northwestern Montana towards the projects that are creating a lot of opportunity for sports people to hunt and fish. Thank you to Five Valleys Land Trust, Nature Conservatory and all the others that worked hard on this project. It will pay off in a lot of dividends going forward.

Motion passes 5-0.

25. Wildlife Management Area and Fish Conservation Area Biennial Public Use Rules

Public use rules for Wildlife Management Areas, Wildlife Habitat Protection Areas, and Fish Conservation Areas are adopted by the commission on a biennial schedule. These rules were established to protect conservation values and to minimize conflicts associated with public use of the affected properties. Over time these rules have been adjusted to address issues of concern, particularly as changes occur with public recreation. FWP proposes retaining existing rules and making two additions. In December 2018, the commission tentatively approved retaining the current rules with one addition specifically pertaining to the Beartooth WMA. That addition to the rules would restrict camping to designated areas and further clarifies the restriction includes the Whitetail Prairie portion of the WMA. This rule is

intended to help manage camping activities, reduce user conflicts for some portions of the WMA, and minimize resource impacts/habitat disturbances. The prohibition from camping outside of designated sites is also intended to minimize disturbance of elk on the WMA and to provide equal opportunity among hunters away from designated camping sites. The second proposed addition stems from a public comment, further described below.

The proposed rules were released for public comment from Dec. 10, 2018 to Jan. 18, 2019. FWP received eight written comments: three of the comments expressed general support for the proposed rules; two expressed concerns associated with livestock grazing on WMAs (livestock grazing is not part of the public use rules); one comment inquired about a weapons restriction area; and one comment expressed concern about the various public and FWP uses of the Beartooth WMA but didn't offer a specific recommendation. One comment recommended the 120-acre Mt. Jumbo Wildlife Management Area be included in an "archery-only" weapons restriction area, which would be consistent with adjacent USFS and Missoula open-space lands.

Retaining the public use rules that were last adopted in 2017 would be beneficial for consistency. Establishing rules for how camping is managed on the Beartooth WMA is a response to increased popularity of that area and subsequent user conflicts and resource impacts. The recommendation for "archery-only" hunting on Mt. Jumbo WMA would make consistent a weapons restriction where the WMA is a small part of a larger safety zone involving USFS and Missoula open space lands (see map). In addition to safety concerns, this rule involving Mt. Jumbo WMA would reduce confusion where property boundaries are not readily discernable across affected ownerships.

FWP recommends adoption of the public use rules as proposed in December with the addition of an "archery-only" weapons restriction on Mt. Jumbo WMA. Consistent with past adjustments to rules, these recommended changes would help address user conflicts, reduce impacts to wildlife and habitat resources, and provide for safety concerns.

Ken McDonald, Wildlife Division Administrator, stated he would like to recognize Natural Resource Damage program and Greg Mullen is here. They have been instrumental in the three access projects that Mr. Kool just presented. They have helped with funding and helped with ensuring access to components of their easements.

Chairman Vermillion stated he wanted to thank the NRD for all their hard work as well as the Five Valleys Land trust and the Nature Conservancy. You all are opening up a lot of country and opportunity to recreationists. It's great work and makes our job easier. It makes Montana a place where people can recreate. Thank you very much. Thank you, Five Valley Land Trust, for all the work on the easements. Especially the hunter access piece as that doesn't always show up in the agreements. It makes the easements more welcoming for folks. So, thank you.

Mr. McDonald stated the Public use rules for Wildlife Management Areas, Wildlife Habitat Protection Areas, and Fish Conservation Areas is a proposed rule that you endorsed a couple of months ago and has since been taken out for public comment. This is a renewal of the existing biennial rule. The change from the last biennium was one additional change for the restriction of camping on the Beartooth WMA to designated areas.

The public comments that we got were from Missoula suggesting that Mount Jumbo be limited to archery only to make it consistent with public lands that surround the WMA which is about 120-acres. We are proposing that in the final adoption that we adopt the previous biennial rules and the two additional items. The Mount Jumbo archery only piece is the only new addition since December.

There were only eight comments total on the proposed rules. Three were positive, a couple of them were about livestock grazing which is not part of these rules. Then the Mount Jumbo comments with suggestions. We recommend the Commission approve the rules for the next biennium with the addition of camping limitations on the Beartooth and Mount Jumbo as archery only.

Motion: Commissioner Brower moved, and Commissioner Colton seconded the commission approve the Wildlife Management Area and Fish Conservation Area Biennial Public Use Rules as presented by the department.

Public comment.

No public comment.

Commissioner Aldrich stated that on both areas he thinks these are good changes as far as he is concerned. Multiple ownerships and responsibility assigned to different agencies and this just fits very well within this. People can look at the picture and not have to decide where to go.

Motion passes 5-0.

26. FWP Forestry Sustained Yield Five-Year Update

In 2011, Montana's 62nd Legislature passed House Bill 619 (since codified in § 87-1-622, Montana Code Annotated [MCA]) providing a revision to FWP's forest management laws requiring FWP to "commission a study by a qualified independent third party to determine the annual sustainable yield on forested department lands." The initial calculation of an annual sustainable yield—defined as "the quantity of timber that can be harvested from forested department lands each year, taking into account the ability of forested lands to generate replacement tree growth..."—was completed by Mason, Bruce & Girard, Inc. (MB&G) a forestry consulting firm, on Dec. 31, 2013. The law further states that the annual timber sale requirement for the program may not exceed the annual sustainable yield. The Fish and Wildlife Commission and the State Parks and Recreation Board are required by law to "review and redetermine the annual sustainable yield for lands under their jurisdiction at least once every five years." As such, FWP completed a report titled "2018 FWP Annual Sustainable Yield Calculation Update," which summarizes changes to FWP's forested land base, growth and annual sustainable yield potential for these lands, and provides a "redetermination" of the potential annual sustainable yield from forested department lands.

FWP did not conduct a public involvement process in developing this report since it does not propose any programmatic or site-specific implementation. This report provides a review and redetermination of the annual sustainable yield for consideration by the Fish and Wildlife Commission and State Parks and Recreation Board. Actual yield (sale) of timber byproducts could be achieved through projects involving timber harvest, and such projects would undergo public involvement as required by FWP policy and MEPA.

The annual sustainable yield calculated by FWP for this five-year review and redetermination was determined to be 4.2 million board feet per year in the short term (<50 years) and 3.7 million board feet per year in the long term (>50 years). This is an increase over the 2013 sustained yield calculation by 91 MBF (thousand board feet) per year in the short term and 58 MBF per year in the long term. FWP's forester conducted this calculation by extrapolating the potential growth and annual sustainable yield calculated by MB&G in their 2013 report to lands added to and subtracted from FWP's forested land base since 2013. Another alternative would have been to conduct a new forest inventory and recalculation using a computer model, but that was dropped from consideration because it was determined to be excessively time-consuming and costly.

FWP recommends the commission approve the annual sustainable yield calculation to comply with the statutory requirements of § 87-1-622, MCA.

Ken McDonald, Wildlife Division Administrator, stated the final approval of the five-year sustainable calculation of an annual sustainable yield estimate. In 2011 the Legislature directed the Department to develop a sustainable yield value for the forested lands for FWP including fishing access sites, wildlife management areas, and state parks. We contracted a private forestry contractor to do this. They developed a five-year estimate and a sustained yield estimate. Another statute states that out timber harvest cannot exceed the sustainable yield estimate which we are not approaching.

Another part of the legislation requires the FW Commission and the Parks Recreation Board are required by law to review and redetermine the annual sustainable yield for lands under their jurisdictions at least once every five years. Our forester Jason Parks has taken the original sustainable yield calculation and updated based on some calculations with additions to property regarding things like that. The result is a continuation of the annual yield that shows a redetermination of all of the properties totals 4.2 million board feet per year in the short term. This is less than 50 years and 3.7 million board feet in the long term. This is an increase in the 2013 calculation of 91,000 board feet. We are making sure we are following our requirements and statutes. The Commission and the Parks Board will have to approve the determination. If there are any technical questions, Mr. Parks will answer those.

Motion: Commissioner Colton moved, and Commissioner Brower seconded the commission approve the annual sustainable yield calculation as presented by FWP.

Public comment.

No public comment.

Chairman Vermillion stated that is he understanding, the Department will come to the Commission with individual sales to meet the annual board feet requirements.

Mr. McDonald stated any individual project will still need to come to the Commission for endorsement and approval. This is because we are giving up an interest in property or involves real property. Our statutory direction is that we cannot exceed the 4.2 million board feet total for the year. He thinks the last four years we have been averaging under half that amount.

Chairman Vermillion asked that when FWP does the Mount Haggin encroachment projects is that considered part of the sustained yield calculation.

Jason Parks, Forester, answered that the project was presented to the Commission several months ago and it did include a small portion of commercial volume that would have been sold. We have had other projects that were completely non-commercial where the timber has no merchantable value which is not considered part of the requirements. Any projects that do have a merchantable volume of timber that could be sold would be brought before the Commission.

Chairman Vermillion stated that what he was asking was if the Department at some point would get pressured for not meeting the number every year, it would make sense to include some of those projects because you are harvesting timber but not selling it.

Mr. Parks stated the way the industry measures timber, that material is not considered. We look at if it is a merchantable product at some point in the future. We consider if the material meets the criteria.

Mr. McDonald stated if he understands it correctly, when they determine sustainable yield it is not every acre. It is forested acres with commercial value timber.

Chairman Vermillion asked if there was inventory of how much merchantable timber we have on our lands statewide and then allocate how that will be harvested over 50 years.

Mr. Parks stated that was correct. The report gives a number that is based off a model so that it is not a wall to wall survey of what we have but a sample. The report does recognize the individual products there is going to be a smaller project scale. Other things to consider is the big number and the project level we need to figure out on our management objectives and constraints. It can allude to the fact that Mount Haggin is a prime example of land that is not considered commercial forest land. Montana Department of Revenue defines that as being capable of producing 20 cubic feet per acre per year. The land does not meet that production.

Commissioner Aldrich remembers a time when the House and the Senate worried about losing site of the reason we have WMAs and other properties. He thinks that after being around for several different projects, this is turning out to be a habitat enhancement type of thing. This also provide opportunity for commercial timber.

Chairman Vermillion asked what happens if there is a forest fire and the merchantable timber burns. Do you then come back to the Commission with a new sustainable yield because there is loss of thousands of acres of quality merchantable timber or look for timber elsewhere?

Mr. Parks stated that was a good question. The way that the number is calculated is based of the potential for land to produce a certain volume of timber whether that meets the definition from the Department of Revenue. If a forest burns and kills thousands of acres of timber like it did in the West Kootenai WMA that burned around 75 percent of the area or a large pine beetle outbreak, that land does not necessarily go out of production. It is still capable of producing. The number does not change as it is based on a 50 or 100-year time horizon. The idea is that even though there is immediate loss of timber, it is going to regrow at some point. In the future it will be commercial timber again.

Vice Chairman Stuker asked where the revenue goes for the sale of the timber.

Mr. Parks answered that per state law Legislature passed in 2009 along with a statute requiring us to implement a program to create a special revenue account called the forest management account. Any revenue generated would be deposited into this account for use within the provisions of the program. The money has to be used to implement further forest management on our properties.

Mr. McDonald added that if you look at the list of projects that were done, some make money. Some do not. The forest management account is used to offset the ones that do not make money. It does help pay some of the salaries that are part of the forest management.

Motion passes 5-0.

27. Swift Fox Conservation Strategy

Swift fox are a small cat-sized fox that live on shortgrass prairies from Texas to Alberta. By the late 20th century, they had disappeared from much of their historical range due largely to federal eradication campaigns focused on coyotes and wolves. They were petitioned to be federally listed in 1992. At that time, the state wildlife agencies in swift fox range states, including Montana, formed the Swift Fox Conservation Team (SFCT), which initiated basic research on distribution and habitat use and found the fox in several areas. Reintroductions were initiated in several other areas, often in collaboration with Tribes. Swift fox numbers increased in Montana because of reintroductions just north of the border in Alberta and on Fort Peck and Blackfeet Tribal lands. Listing was deemed unnecessary, but the SFCT continues to coordinate and implement conservation efforts for the species.

Montana's Swift Fox Conservation Strategy is tiered off the SFCT's goals and objectives. Opportunities to continue improving swift fox numbers and distribution appear to exist, especially in the northern portion of their historical range where gaps appear to occur in Montana. This document is intended to promote swift fox conservation and management by formulating a statewide strategy that facilitates coordinated and effective efforts by all interested organizations. The following priorities will help guide conservation of swift fox in Montana and contribute to the eight objectives of the SFCT. This strategy is intended to compliment the SFCT strategy while clearly prioritizing those objectives that Montana can affect. Our priorities include: 1) identify and map swift fox habitat in Montana, 2) conserve swift fox habitat and movement corridors, 3) monitor swift fox distribution and status, and 4) increase distribution of swift fox into suitable, connected habitats. A copy of the latest and, with commission adoption, final strategy is included in the commission packet.

The Strategy presented here for commission adoption differs from that presented in June 2018 in that it updates swift fox numbers based on finalized data and includes a section on harvest management. FWP will use a Population Viability Analysis (PVA) to inform harvest recommendations. PVA uses survival, reproduction and other important population metrics from field research to predict population persistence over time under different harvest regimes. Swift fox are very productive animals. Using the lower confidence interval from the 2014-15 population estimate, i.e. a low estimate, of 266 foxes and a harvest of 10, the probability of extinction within 100 years, barring unusual disease, weather, or other events, is zero. In the case of unusual events, FWP will respond as we did in 2017 by lowering harvest quotas from 30 to 10 when a 2015-16 estimate indicated reduced abundance, potentially from the severe winter in 2010-11. The overall population size for the Montana and Canada combined survey areas is approximately 900. There are other but unknown numbers of swift fox in Montana outside the survey areas.

The public comment period ran from June 14 to July 15, 2018, and we received 10 comments. Two commenters were supportive of the strategy, one of which asked for an increased emphasis on reintroductions. The other eight comments opposed the current harvest quota of 10. Based on comments and further staff review, it was decided to include the aforementioned section on harvest management in the Strategy. All comments are in the commission packet.

The alternative to implementing this conservation strategy is to have no contemporary strategy. This would result in less clear priorities and more difficult communications and outreach on swift fox conservation.

FWP recommends the commission adopt this strategy to help guide swift fox conservation in Montana.

John Vore, Game Management Bureau Chief, Wildlife Division, greeted the Commission. He stated in June a draft strategy to go out for public comment. The commission did approve it. It did go out for public comment until July 15. Ten comments were received. Two were supportive of the strategy, one asked for an increased emphasis on reintroductions and the others were against it. The strategy that you have before you today differ from what you saw

in 2018 in that it updated swift fox numbers based on finalized data. It also includes a section on harvest management. That is the two changes that you saw in the draft earlier.

FWP will use a population viability analysis to inform harvest recommendations. This uses harvest, reproduction, survival and other important metrics from field research to predict population persistence under different under different harvest regimes over time. Using the lower confidence interval of the 2014- 2015, that is a low population estimate of 266. In using the population viability analysis over the next hundred years not considering any disease or other specific events, the probability of the population declining is zero. If there were other unusual events such as weather which may have driven the former population decline, FWP as responsible managers would respond to that by adjusting the harvest limits there.

The overall population for Montana and Canada currently is about 900. The portion of the study area in Montana was estimated to be 347 at the time. Keep in mind that it is only a portion of Montana along the northern high line. There is other swift fox in the state that we know of. We don't know how many.

Motion: Vice Chairman Stuker moved, and Commissioner Brower seconded the commission adopt the Montana Swift Fox Conservation Strategy as presented by FWP.

Chairman Vermillion stated that this is very similar to the lion plan that is before us today. It doesn't set harvest descriptions. It looks like it will increase our monitoring and increase our sustaining population. This would allow more data in which to base our decisions on.

Mr. Vore stated that Montana is part of the swift fox conservation team which is an international team of researchers and managers. We hope that the Commission will adopt as a final.

Vice Chairman Stuker stated going to back to what Chairman Vermillion said about the quota for trapping and harvesting. Does the national coalition in any shape or form require us to do anything?

Mr. Vore stated that it does not.

Commissioner Brower asked if all that would be done during season settings.

Mr. Vore stated that was correct.

Public comment on just the plan.

Headquarter- Helena

Daniel Kink, American Prairie Reserve, stated they have already provided extensive comments. He had only one question. He wanted to know about a sentence in the new part of the plan that says the basis for FWP to have unlimited harvest season is based on population status, public support, incidental take, and trapper interest. He wanted to know how those things are gauged and how that information is integrated into making a decision on the swift fox particularly on how the public and trapper interest play into this. Other than that, we are in support of the plan. Thank you.

Mr. Vore stated that it goes to public comment. We take the comments and analyze them and make any changes in response to the comments as we did for this plan. The comments also go to the Commission. We also do a population viability analysis these are the tools that are at our disposal. There are also regional meetings with trappers and other stakeholders.

Chairman Vermillion asked who the other stakeholders were. Please explain the process.

Mr. Vore stated going through any type of season proposal together, we bring it together at a meeting. The public can ask questions at that time. The Commission would decide if the proposal would go out for public comment. It usually goes out for comment for 30 days. Occasionally, for a longer period. We have regional meeting with the stakeholders and others that are interested in wildlife.

Chairman Vermillion stated that it is open to consumptive and non-consumptive users.

KC York, Trap Free Montana, stated they would support a conservation strategy. They saw a few discrepancies in the final draft. There were 41 comments that were submitted per the August conclusion that FWP wrote up. According to the Montana National Heritage Program, Swift breed from late December until early March. Which correlates to our

trapping season of March 1. This year it closed January 26 after a quota was reportedly reached. Last year it closed well after the quota of ten was reached. Ten were reached December 20 and not closed until March 1. There were another 12 reported mortality. She has the documentation of anyone wants to review. These are the reports that she received from FWP.

There is talk there about reintroducing swift fox. She submitted a document to all of you. She hopes that the Commission had a chance to look at it. The cost for swift fox reintroduction ran from 100-5000 dollars. She feels that we need to be very mindful of that. Her understanding that swift fox value is about \$7.00 a pelt. Roughly a dollar a pound of their weight. Trappers want the notoriety of trapping swift fox because they are so rare. She would highly encourage to make use of the prowess of the swift fox to plant them in other areas. Thank you.

Chairman Vermillion asked about the quota question she raised. Is the data correct that if we waited a few weeks after quota was met?

Mr. Vore stated he was not aware of that. He referred question to Region 6.

Heather Harris, Wildlife Biologist, stated she is unaware of that. She apologizes. There was an incidental harvest that was taken outside the trapping district. This could have reported 10 fox being taken but, only nine would counted toward the quota. The eleventh would have closed it. We do don incidental take toward our hunting quota. I am unsure of the 12 that were reported unless they were roadkill or taken in other regions.

Vice Chairman Stuker asked if it was because it closed three weeks later than it did last year and that is why? What he thought he heard was that one year it closed in January. he next year the ten had not been taken and the season stayed open three weeks longer.

Ms. York stated that she probably wasn't clear. This year for this season, 2018-2019 closed on January 26 when ten were reached. Last year for the 2017-2018 season a female swift fox was trapped on December 20, 2017. A male was trapped after that January 7, 2019 in Valley County Region 6 within the protective zone. A third one was killed after that for a total of 12 that was killed. Then season then closed on January 10. So, this was three weeks after the quota of 10 was reached. It was explained to her that the swift fox that were outside the region that they were allowed to be trapped do not count. So that was probably the twelfth one. Commissioner Aldrich brought up this question in August about what happens with the quota when they count if it is within the quota and that time frame. Afterwards, they don't come off the next year if they are outside that region. Apparently, that does not impact the closing of the quota. She advised that she got her information from FWP and is not her own compilation. Thank you.

Director Williams asked Ms. York where she got the information. This is so we can track it down and understand it.

Ms. York advised that she submitted a public information request to Dr. Inman and Shawna Pieske gathers that information.

Region 4

Dave McKeon, Montana Woolgrowers, stated that on behalf of them and himself he would like to comment on the swift fox conservation strategy. Reading through the conservation plan, he finds a certain amount of hypocrisy when the first line says federal eradication campaigns focused on coyotes and wolves was the demise of the swift fox. When you go to page five, the coyote is the primary source of mortality from 33 to 74 percent. That is very disturbing. Legitimacy of the whole thing is in jeopardy when we had people not connected to this agency claiming that they were doing wildlife studies to find swift fox. They were claiming to represent FWP when in fact FWP knew nothing about it. That was a personal experience. If you go to page three, you will see that there is an area in the Sweet Grass Hills where none were detected. That is because that individual was asked to leave because she claimed to be with FWP. The area biologist emphatically stated the individual was not associated with FWP.

Another part of the conservation plan that is disturbing is that it does not address actual stakeholders for private property ownership. It does not address an increasing population of swift fox and predation on the blackfooted ferret. It does not totally address the spread of fleas causing bubonic plague in dog towns. It doesn't even mention the increased predation of the fox on birds such as the sharptail and sage hens. It does not address the impact of private property as it relates to predator control on incidental takes by tools used by landowners in this region to prevent predation of their own livestock.

He asks that the Commission take a no action and ask for a re-write for the strategy plan. Thank you.

Commissioner Aldrich stated that what has been said about our public engagement efforts up there didn't identify some of the concerns. He knows nothing about that other than if the issues were a concern were documented in such a way.

Mr. Vore stated are a number of things that Mr. McKeon touched on. He would like to address the people who are trapping for livestock protection. If you are trapping for a predation problem, that is outside the authority of FWP and we have no say over that. So that was not addressed.

Chairman Vermillion asked if it was fair to take the next step that says that nothing in this plan will affect the ability to trap coyotes on their private property?

Mr. Vore stated that was correct. He recalls that the first comment that Mr. McKeon had made referred to the early efforts to control coyotes and wolves had to do a lot with poisoning. The swift fox also ate some of the poisons. That was some of the reasons for the early decline in swift fox numbers. He apologizes for not recalling the other points that Mr. McKeon made.

He does have a little bit of information to address some of the other comments that Ms. York made concerning the takes in 2017. Ten were trapped in the designated trapping area. In addition to that there was a road kill and an incidental kill outside the area. It doesn't go against the quota.

Chairman Vermillion stated that he thought heard 24 were taken when the quota was ten. That seemed like a significant amount. It makes more sense to me now.

Commissioner Aldrich stated Mr. McKeon had mentioned pet hazards in terms of the vermin that may be carried around by the swift fox as well as the affect on upland birds. He is sure that they were looked at. Can you add to that Mr. Vore?

Mr. Vore stated he couldn't say that they were specifically looked at. The Swift Fox Conservation Team and the international team look at all different things. He assumes that was taken under consideration. Vice Chairman Stuker had asked earlier about swift fox eating sage grouse. He supposed they would if they could catch one. Swift fox are about the size of a small house cat. Sage grouse males out weigh the swift fox. It is possible that they could eat the chicks. The swift fox diet consists mostly of small rodents, beetles, grasshoppers, and that kind of thing.

Motion passes 5-0.

28. Mountain Lion Strategy

Montana Fish, Wildlife & Parks (FWP) is committed to maintaining sustainable lion populations in all suitable habitats of our state. Over the last 25 years, FWP has made significant investments in field research that helps inform our lion management. With this and other research, we propose to use the latest science and state-of-the-art methods to monitor Montana's lions. FWP has completed a final draft of Montana Mountain Lion Management Strategy for the commission's approval as an important component of lion management. A copy has been provided to the commission.

We know lion populations function in big landscapes, so our approach includes defining four Lion Ecoregions, large landscapes of similar habitat where populations perform similarly. FWP will periodically develop estimates of lion numbers within the northwest, west-central, and southwest ecoregions using a relatively new but well-proven genetically-based field sampling method known as Spatial Capture-Recapture, or SCR to estimate populations. Using these estimates plus our understanding of lion ecology and lion harvest data, managers will employ a sophisticated statistical model known as an Integrated Population Model, or IPM, that integrates all the information to predict the effects of lion harvest on populations. Over time, this monitoring program will reduce uncertainty about the effects of lion harvest and improve FWP's ability to meet management objectives.

Determining those management objectives is the next and separate step in our process. Regardless of whether the Strategy, or a modified form of it is adopted, FWP will reach out to anyone with an interest in lion management – hunters, houndsmen, wildlife viewers, livestock producers, and others – through various venues to include public meetings, social media, etc., to help develop management objectives. As stated in the Strategy, "FWP and the public will collectively evaluate an ecoregion's monitoring data, develop objectives, and decide on an overall management

harvest prescription for the ecoregion. Managers will then recommend individual lion management unit harvests that implement the prescription, distribute hunter effort, and address local concerns."

Based on public comment, this final draft differs from the previous in that it further clarifies the specific responsibilities and authorities of the Fish and Wildlife Commission relative to lion management. Also, due to a preponderance of public comment relative to the proposed Model Harvest Regulations, specifically the proposed elimination of the "hybrid season" type, those Model Regulations were eliminated from the Strategy.

Jay Kolbe, the FWP biologist who wrote the Strategy, went around the state and made 12 presentations to sportsmen's groups, hound handlers, and others regarding the draft. The public comment period on the draft ran from Oct. 17, 2018 to Jan. 15, 2019 and we received 228 written comments. The most common comment generally objected to killing lions or hunting with dogs; most of these commenters live in other states. Other input regarded reducing lion numbers, wolves, CWD, or advocated specific lion management objectives, all of which are outside the scope of the Strategy. A significant portion of the comment simply supported the Strategy. The predominant substantive comment concerned various harvest season structure types— some commenters advocated for a specific season type (i.e. the "hybrid" season) while others urged FWP to eliminate all reference to season structure from the draft.

The alternative to implementing this Strategy is to have no contemporary strategy. This would result in less clear priorities and more difficult communications and outreach on mountain lion conservation.

FWP recommends the commission adopt the final draft of the Montana Mountain Lion Monitoring and Management Strategy.

John Vore, Game Management Bureau Chief, Wildlife Division, stated they brought this to the Commission last year. Based on the strategy from last year, FWP is going to be monitoring mountain lion populations. This was out for public comment from October 17 to January 15. We have 228 written comments. The most common comment was generally objecting to killing mountain lions or hunting with dogs. Most of those commenters lived in other states. Other input suggested lower lion numbers and spoke to wolves, CWD, or advocated for specific lion management objectives. All which were outside the scope of the strategy.

There were a significant portion of comments that simply supported the strategy. The predominant comment concerned different season structured season type such as a hybrid season. Others urge FWP to eliminate everything regarding season structure in the draft which we have done. Based on the public comment, this final draft differs from the previous one in that it further clarifies specific responsibilities and authorities of FWP and of the Commission. Because of the preponderance of public comment, the proposed regulation specifically the proposed elimination of the hybrid season the model regulations were eliminated from the strategy. Other than that, it remains the same as it was before. Thank you.

Motion: Commissioner Colton moved, and Commissioner Brower seconded the commission adopt the Montana Mountain Lion Monitoring and Management Strategy as presented by FWP.

Vice Chairman Stuker stated that it was mentioned taking the hybrid season out of the strategy. Is it still going to be in the season setting regulations or just going to be gone?

Mr. Vore stated that it is still in the season setting regulations. It was just taken out of the strategy. It was one that was possibly a regulation for regions to consider. It is still something that regions can consider and taken out of the monitoring strategy.

Chairman Vermillion stated he had not read the monitoring strategy. There are other management prescriptions that are mentioned in the strategy but not hybrid or are they all treated the same?

Mr. Vore stated all of them were taken out. They were just model regulations.

Director Williams asked if that was in response to public comment?

Mr. Vore stated that was correct. We had quite a few public comments that spoke to the monitoring strategy and did not speak to harvest regulations.

Commissioner Colton stated, he was fascinated by the mountain lion setting and what was put together. He has not read it in a few months, but he remembers thinking how advanced it is. Utilizing the technology that we have now to

create a strategy that allows us as well as future commissions to set seasons, quotas, and to manage this. He finds that it fascinating and encouraging. He looks at the other problems we have on the landscape as other carnivores are coming onto the landscape. This is really good stuff. He commends the Department for the great work on this. This is one of the most impressive things that he has seen in his time.

Mr. Vore thanked Commissioner Colton. We appreciate it and are very proud of it. Jay Kolby did an outstanding job putting this together. It is state of the art and one of the best in the world really.

Commissioner Aldrich stated that as we go through some of these really great efforts, there is a lot of really good science and we do a good job in trying to apply it. Sometimes we leave the public in the dust in terms of understanding the methodology. He thinks that there is a burden put on this as we move forward. As we go through the season settings and so forth we increase our efforts to be good informers to these people. We need to be able to ease their minds on some of these issues.

Chairman Vermillion agreed. If you look at the fact that there are 99 comments opposed to the concept of mountain lion hunting at all and having the scientific plans put together to show the Departments commitment to science, sustainable population, and sustainable management is smart in getting the public to support our efforts through consumptive practices.

Region 2- Helena

Colleen Crill, American Prairie Reserve, stated they echo Commissioner Colton's support of the plan. She feels that it is really great that the Department has made the effort to make a very thorough and science-based mountain lion strategy. We especially like to focus on management biologically relevant scale that mountain lions have an exceptionally large home ranges. We think that it is a great document and we hope more detailed analysis's like these in the future.

Director Williams stated she thinks that our four core beliefs that we proved opportunity outside, strive for balance, and that we focus on integrity. The lion plan is a really good example on we combine each of those things. She loves seeing that we are living that.

Commissioner Colton stated he wouldn't take this liberty if we didn't have the time. Going back to when he was a fairly new commissioner, there was a proposal to put lions on permits in Region 1 was controversial. The bison also showed up on his plate like a freight train. This was the most controversial thing that the Commission had ever dealt with at that time. It was a level of phone calls that you would see like archery permits and things of that nature. A lot of discussion and a lot of frustrated folks. He thinks that they filled the larger ballroom over at the Colonial Hotel. We didn't have a feel on how anyone was going to vote on it. Everyone was playing their cards close to the vest.

He was very nervous that whole morning. He couldn't get his head around what to do. The previous day he had his first oral argument in front of the Montana Supreme Court. So, we made the decision to put the regional lions on permits. It was one of the beginnings of more specific management of this particular animal. He still and went and argued his case the next day. He doesn't know which more important work in those two days was. He thinks it was the lions. He really does. It was certainly more fulfilling as far as legacy. That is the reason he is so fascinated by this and encouraged by it. With what Director Williams just said about inclusion and process that works. It is fun to be part of this.

Chairman Vermillion stated that the only thing that he would say about this is the hybrid system has worked well. He knows that some would not agree. We have managed it in a way where there are quality hunting experiences and hopes that future commissions will look at that management approach and realize that it can address management objectives. He feels that this is a really good approach to managing lions.

Commissioner Aldrich stated that being a part of a structured decision-making group that dealt with mountain lion quotas in Region 2, he got well bathed in some of the feelings. The thing that came out of that was amazing was the different alternatives that the groups came up with. A biological team was there. It was basically the biologists from FWP and some Parks people. In reality, there is nothing biologically in all these that things are fine as far as the resource. So, don't think that you should hang your hat on something that isn't there. You are in the realm of sound wildlife resource in this case. What Commissioner Colton talked about and in Region 1 they were some ethical issues involved. It was like a race to the tree. We have come a long way since then haven't we? Thank you.

Commissioner Colton stated that Vic Workman was really the leader on that as well as the Region. It really was an attempt to give this animal more dignity than it was receiving in that area. That is what eventually is what changed his vote. There was a lot of pressure not to go to some type of permit and hybrid system. Vic took a heavy load and look where we are at now. It is great.

Motion passes 5-0.

29. Mule Deer Season Changes in HDs 502, 510, 520 & 575 for 2019

FWP proposes to change the 2019 mule deer hunting regulations in HDs 502, 510, 520, and 575 to address CWD, which was found in these HDs in 2017 and 2018. FWP is proposing this change outside of the regular biennial cycle because of CWD. Long-term CWD management, as described in the Montana CWD Management Plan, is aimed at maintaining low densities of deer and low buck: doe ratios in hunting districts with CWD and adjacent hunting districts to keep disease prevalence low and prevent disease spread. We are proposing to manage for lower buck: doe ratios because bucks are two to three times more likely to be infected with CWD and more likely to spread it through the population.

Specific changes proposed are:

- *HD 502 change the general mule deer season from buck-only to either-sex.*
- *HD 510 eliminate the unlimited 510-50 buck mule deer permit and establish an either-sex mule deer season.*
- *HD 520 change the general mule deer season from buck-only to either-sex in that portion of HD 520 lying east of Highway 212.*
- *HD 575 increase 575-00 antlerless mule deer B license from 250 to 500 and increase the biennial range from 5-200 to 5-750. This proposal is outside the current biennial range and requires commission action.*

Public comment was taken from Dec. 10 to Jan. 18, and we received 14 comments, which are included in the commission packet. Opinions varied, with some support and some opposed. It was clear that some commenters did not understand CWD, the effects it can have on populations, the latest in national guidance for management, or that FWP has been testing in a scientifically rigorous way and has a vetted and approved CWD Management Plan.

Proposals may be adopted as proposed, with adjustment, with additions, with deletions, or no change from 2018 (status quo). No change would challenge the supporting justifications behind proposals.

FWP recommends the commission adopt the mule deer season changes for hunting districts 502, 510, 520, and 575 as presented.

John Vore, Game Management Bureau Chief, Wildlife Division, stated that the 2019 mule deer hunting regulations in HDs 502, 510, 520, and 575 to address CWD, which was found in these HDs in 2017 and 2018. FWP is proposing this change outside of the regular biennial cycle because of CWD. This is the area south of Billings that CWD was first found in 2017. The specific changes that we are planning to do are to address CWD and what is in the CWD plan the Commission adopted. In hunting district 502, we are proposing to change the general mule deer season from buck only to either sex. In hunting district 510, we proposed to eliminate the unlimited 510-50 buck mule deer permit and establish an either sex mule deer season. He would like to remind the Commission and those who are listening that bucks are two to three times more likely to be infected with CWD. Antlered buck management is one of the best things we can do for CWD.

In hunting district 520, we proposed to change the general mule deer season from buck only to either sex. In the portion of the hunting district lying east of highway 212. In hunting district 575 to increase the antlerless mule deer B license from 250 to 500 and to increase the biennial range from five to 200 to five to 750. This proposal is outside the current biennial range and requires Commission action.

We took public comment December 10 to January 18, 2019. We received 14 comments. It was clear from the comments that people did not understand CWD and the threat that it poses to our wildlife. Many folks did not realize that we had a CWD management plan and that it is a good plan and one we are trying to follow. We have been testing

and looking for CWD in a very scientific and rigorous way. This was vetted in a way that was approved by the Commission.

Motion: Commissioner Colton moved, and Commissioner Brower seconded the commission adopt the 2019 mule deer hunting regulations for hunting districts 502, 510, 520, and 575 as presented by FWP, and that all other aspects of the deer season remain unchanged unless addressed in other proposals.

Chairman Vermillion stated that his question is why we're going away from bucks only to either sex. With bucks being the primary carrier, is this a way to reduce populations?

Mr. Vore answered that it was to reduce populations but to keep in mind that it doesn't mean that does don't have CWD and spread it on the landscape. Many of the animals that have tested positive have been does. We know that is an issue. There are several ways to address CWD on the landscape. One way is the antlered buck component and also that does spread it too. The other things that we can do is minimize large concentrations of deer. We can do some hot spot reductions with focused hunts in certain areas. These are all CWD management ways of doing it. Not only is Montana doing it, but so is other states. This is something that AFWA and WAFWA in their management guidelines point to.

Chairman Vermillion stated the thought process is to not necessarily hit all the antlered bucks, but to decrease the population in an infected area.

Mr. Vore stated that he would not say reduce the population as much as possible. We want to reduce density for the landscape. When we had the special hunts in Region 5 last year, the idea was to reduce the population somewhat. We took 200 deer out of a population of 5000.

Commissioner Brower asked if due to the fact that CWD was found along the high line we perceive some of the same changes to those areas?

Mr. Vore stated that they are looking to the future of doing that. Now that we know CWD is there, the next step is to find out how much is it and what the prevalence rate is there. That is what we will be looking at next year. We will be running the check stations again next season to help find out what the hunter harvested prevalence is. Once we know what we are dealing with, we can design a season structure up there to address the issue.

Chairman Vermillion asked about season structures that align with prevalence rates. Have we gotten that far along in the management if it is below five percent or up to ten percent?

Mr. Vore answered that they would like to keep prevalence below five percent. This depends on how large of an area that is looked at. For example, south of Billings is at about two percent. If you look at a smaller area around Bridger where we found it and with the special hunt, we are closer to eight percent there. That is higher than we want it to be.

Chairman Vermillion asked about Wyoming and what rate they are at.

Mr. Vore answered that they are at 30 to 40 percent. When you get to 20, 30, and 40 percent prevalence you get to see significant population declines. In Colorado for example, there was a decline in the mule deer population that had a similarly high prevalence rates and declined by 45 percent. In Wyoming for example, they had populations that had rates of 20 and 30 percent, they saw annual decline of 10 to 20 percent. It takes a while for that to happen. We don't want that to happen that is why we are addressing it now. It can take decades for it to get there. Speaking to our sister states, when CWD first showed up on the landscape we didn't know this. Nobody knew it would take that long to manifest itself at a population level. We are now starting to see this in Wyoming, Colorado, Wisconsin, and other states that have it.

There is one thing that is in common is we ask those states what they would have done different. They universally reply is they wish they would have addressed it earlier and urgently.

Chairman Vermillion stated that would be a lot of things in life.

Commissioner Aldrich stated that being a hunter for a long time he knows that hunters are wondering what this is going to look like in five years. It seems we need to be looking at a way to project where this might end. We need to make it known about the severity and what it is we are doing.

Mr. Vore stated that it is unlikely that we will see change in the next five years. Our children and grandchildren will see significant changes on the landscape if we don't address it now. These are the best tools that are available right now. Because this is a protein and not a virus. There is no vaccine for this. We need to address this in management by addressing buck numbers, buck ages and densities on the landscape. We would try to reduce large aggregations of deer. We will be going back to these areas and reassessing them at five years or ten years to see if there have been any changes. We do know that if we do not address it then 30 years down the road we only have to look south of our border to see what happened.

Vice Chairman Stuker stated that in his area they have found CWD. There were five within a ten-mile radius of his house. He feels the prevalence rate is high. He knows there are some concerns from some of the landowners from Shelby to the North Dakota line is the management area. There are a lot of hunters that come from Great Falls, Kalispell, and places like that. If the hunters do not show up because they have to bone it all out, and the population is fairly high, what are we going to do about eliminating damages.

Mr. Vore stated that is something that they have to address, and you are speaking to the CWD management zones that we have in place now. There are restrictions for someone killing a deer in that area and moving it out of that area. The Northern Montana CWD management areas go from hunting districts 400 and 401 all the way to across to the North Dakota line. Anyone that harvests a deer there cannot take the head or the spinal column or even the whole carcass out of that area. We have designed this so people will have access to processors and taxidermists all along Highway 2. It is something that we feel is necessary and other states have shown us that it is necessary.

Given our experience in Region 5, we will see if things change as far as hunter behavior. He doesn't know if they will see a drastic reduction in number of hunters in that region. When we had the special hunts in 2017 where there were known CWD areas. They had the same restrictions in place when we put the licenses on sale. There were a thousand of them and they sold out in a matter of minutes. He doesn't know that in the future if they will see a reduction in numbers of hunters in that particular area.

Vice Chairman Stuker stated he agrees what was done with the zones and the process that we have in place. He wants to think about if the number of hunters greatly reduce; how are we going to go in and work with landowners to reduce the population? He can drive down the road ten miles to town and see 600 to 700 deer laying along the road. If the hunters stop coming this is going to be a problem. He would like some planning for what could happen in the future.

Commissioner Colton stated that they were lucky in region 5 when we had the late hunt. As for participation, Billings is right there. There were people driving a long distance just to do that.

Chairman Vermillion asked if all the tags were sold in the Chinook area.

Vice Chairman Stuker advised that they sold out within an hour. We only had one north of Chester. Correct me if I am wrong but they may have undersold in the highline this past year. Only 21 tags sold.

Mr. Vore added that it was 26 tags.

Vice Chairman Stuker stated that the hunters that had been coming for 10 and 25 years are saying they probably won't come back. In the Billings area, they are closer to the population center. He believes that was included in our area, so they could take the deer in. We do not have that population center up there. You take the whole high line in and might be a hundredth of what the Billings population had.

Commissioner Colton stated the antidotally that in speaking with Region 5 that there was some anxiousness amongst some of the hunters. They are all going the process and hopefully that will continue. Hopefully they will not get spooked. But we are dealing with different populations.

Vice Chairman Stuker stated it was something to think about.

Mr. Vore thanked the Commission. He stated that maybe it would be worth asking the Region 6 staff if they have been hearing about the people who are willing to come and hunt because of the CWD. There are staff available in Region 6 that could address the issue.

Scott Thompson, Region 6 Biologist, advised that they have been educating the public about what we found. There are concerns about transport restrictions and where they need to pay attention to it. To make sure the acknowledgement zones are clear. As far as hunters wanting to go elsewhere, we have not heard much about that. The concern about

high deer numbers are there. We would like to liberalize B licenses to help with prevalence testing and address high deer numbers for next year.

Vice Chairman Stuker thanked him and for the phone call that he received about zones and the new way we are approaching things.

Commissioner Brower stated that he echoed that.

Chairman Vermillion added that just to follow up, back when he first on the Commission there was a decline in mule deer and at the time everyone was trying to figure out what was going on. Do you think people are starting to conclude that the reason we are seeing the big declines is related to the earlier onset as it was more accentuated in places like Colorado and Wyoming? As far as the decline, is there any correlation? Are people starting to look at this as a WD decline? It's not habitat or oil and gas but CWD.

Mr. Vore stated that is not something that has come forward. Mule deer management across the west as you know the mule deer numbers have gone down. It is more in western Montana than it is in eastern Montana. We just had reports from Region 6 that have all time high numbers. Region 7 is doing well as far as mule deer numbers. He has not heard that CWD is one of the things so far as Regional west wide declines. There are declines in specific herds. In the overall problems that come with mule deer management they have not heard that.

Chairman Vermillion stated that if you look down the road and the article that came out today makes it sound like it. A few years ago, when we first discovered it and was really in bloom, there was concern but there was also some comfort taken in the fact that humans have never gotten CWD by eating infected meat. This article in particular is raising a lot of questions about how that is going to play out in the course of time. Disease can mutate over time. It figures out how to find a new host. He wonders if the western states are looking at some kind of funding mechanism that would make it easier for hunters to test their game. In Minnesota they approved 1.8 million dollars specifically to come up with or support a test.

The research would produce a test that would allow a hunter to identify if the deer has CWD. It is probably not a rigorous as a lab, but it would give an indication of the disease. He was wondering if the Department was looking at that and what we are going to do. He wonders in five years what warnings and discussions with our sportsmen as it relates to CWD and the consumption of CWD meat and how it will be quite different than it is today.

Mr. Vore stated that this brings up something everyone needs to be aware of. There has been a lot of research being done on developing tests. That might be something that is on the horizon for us and will be available in the next five years or something like that. As far as it crossing the species barrier into humans, and he doesn't know which article specifically you were looking at. There was research that came out of Canada about feeding macaque monkeys which are similar to humans. That particular study has been called into question by the scientific community.

One of the people on our citizen advisory panel was Dr. Brent Race from the National Institute of Health in Hamilton. He is doing research specifically on CWD and prion diseases. Dr. Race used the same species and the same race or clone of monkeys being used in Canada. He found that he could not make that happen. It is a particular characteristic of macaque monkeys that as they age their brains develop appearance of a CWD infection. He took slides of sacrificed monkeys that he had and sent them to Canada. They said they were CWD positive.

The transmittal of CWD to humans he would not say it isn't possible. Other tests have shown that transmission to humans is impossible. For example, scrapie's in mountain sheep has been around for thousands of years and has not crossed the species barrier. Scrapie's is in the same family as CWD or mad cow disease. We do know that mad cow does cross the species barrier. Among the millions of Britain that eat cattle brains there were a few hundred infections. Again, scrapie's has been on the landscape for thousands of years and has not crossed the barrier. All animals have prions in them. They are species or species group specific. Other than being on the same family of disease, CWD is like mad cow but there is a difference.

Chairman Vermillion stated that he understands the distinction. He wonders if there is enough headwind out there to culturally in the United States particularly as it relates to hunting and people concerned about consuming meat because of the perceived threat. He thinks that the diminishing participation and consumptive use of wildlife resources could only accelerate. It behooves the Department to figure out how we are going to go about messaging that. We don't want people to be afraid to go hunt the highline s there are a lot of deer. It's not only a human safety issue but also from the Department's perspective using hunters as the primary source of game management. It would be the same

comparison as not playing football due to concussions. The same sort of concern will manifest itself with hunting and he worries about that a lot.

Director Williams asked Mr. Vore to talk about the work that the Department has been doing with the other western states specifically the meeting in Denver. We have been engaging in the national conversation in trying to get funding for CWD.

Mr. Vore advised that they have been involved internationally and here in the United States. This includes western states and with other organizations as well as the provinces up north. There was a meeting in Denver that Dr. Almberg, others and himself attended to talk about CWD and CWD management. We currently have a project in the works with Wyoming where we are looking at the efficacy of the management and how they are doing it near our border as well as how we are doing it. There are a lot of things in the works nationally and locally in the western states about those issues.

Chairman Vermillion asked what they are doing in the area over by Powell. Are they managing differently or are they doing the same thing that we are.

Mr. Vore stated that to date they have not changed their management as we have and are proposing to do. It does make for a very good study situation. As he pointed out earlier the other states did not know the ramifications of this 20 years ago. Now they have places with prevalence's of over 20 percent. There is really nothing you can do once it gets to that point.

Chairman Vermillion stated that was his worry. We have CWD pipeline coming out of Wyoming, and we do our job up here working on really cutting down the infection rate. If they are at 40 percent just south of the Montana Wyoming border and not taking management prescriptions towards their hers, this makes our life kind of tough.

Mr. Vore agreed. We know that CWD is on the landscape now to stay. We are not even prosing that we are going to eliminate it. The best we can do is to manage it. He does not know the number of the infection rate south of the Montana border. There are places in other states where the infection rate is so high that it definitely has affected populations.

Director Williams stated the Department has really stepped up the efforts on the three-year recruitment retention and reactivation. We realize that this is going to be a key player in that. We have seen nationally the interesting articles of people coming in hunting are really those interested in protein. We are really stepping up our efforts on that front. We have been talking to a national and international efforts of wild harvests about the proteins and meat eaters. We are tracking it and it is scary.

Chris Marchion, Anaconda Sportsman's Club, stated he is glad that this is on the agenda. Commissioner Aldrich has heard a lot of this stuff. Fifteen years ago, they went the rounds trying to get rid of game farms. There are two problems with game farms. One thing was the sportsman's aspect of it. The other was the CWD component. Fifteen years ago, he spent a lot of time studying CWD. He appreciates what the Department is doing and the steps that they are taking. He would agree that what has been done is dramatic. It is going to get more dramatic.

One of the two of the best national research agencies around is the Rocky Mountain Lab in Hamilton and they are very constricted about what they can say. There was a doctor there that is now retired. He felt very constricted and 15 years ago he finally stepped out and talked about how CWD is being spread. He felt it was by truck. It was the game farm animals being transported around. The lab in Colorado University had put mule deer in a facility that they had been using for sheep scrapie studies. The deer became infected and they released them into the wild because they didn't know what was going on. That is how it started. If you trace this disease back it starts right around that facility in Colorado. It then got in game farm animals as it is the nature of game farm animals. We sent them to Wisconsin on trucks. We sent them to the east coast.

That is how we got to where we are at today. That was one of the reasons we wanted to get rid of game farms. We wanted to control that. The Rocky Mountain Lab is a good research facility and the McLaughlin Institute in Great Falls. There was a Dr. Johnson there that attended a number of public hearings. He was very good and was not as constricted. As a hunter, he would not participate in one of these hunts. He doesn't care if you test the deer or not. He would never have anything to do with a deer that tested positive. He agrees with what will happen when people learn more about this. He feels it does cross the species barrier.

What happened in England was they were taking downer cows (these are cows in feeder facilities) and they were grinding them up and refeeding them to the cattle. They did this by mixing it with the grain feed to improve the level of protein in the cattle. When they did this it was infecting the cows and people got it. They immediately quit doing that the disease was under control. It is a scary thing because this is not a disease like anything else. We are not even sure we understand it. It is an infective agent that stays in the ground for many years. It is virtually indestructible. When the disease crosses barriers the nature of the disease changes too. It has a long infective period. You could have it and not know you have it for a very long time.

No matter how long you cook the meat you cannot kill the prion. Science doesn't understand how it crosses the species barrier. It also settles in the spinal tissue. Let's say you had a back surgery and they don't clean the surgical instruments; it can be passed that way. If you cut open a deer and say your going to cook the meat and so forth, and you cut the head off with your saw then it is infected. So, there is a lot of risk with this. We are fortunate to be in this state as we have some of the best resources in the country. He supports the diligence that the Department is doing and something that we will continue to deal with. Thank you.

Nick Gevock, Montana Wildlife Federation, stated he thought about being here in 2017 when there was the first detection of CWD. We were shocked at the rates that were found especially in the Vice Chairman Stuker's area. We are going to see more of this. Clearly this proposal is to drive down deer numbers in these areas. He thinks FWP has a good plan. This is on the right track and we are going to have to accept lower deer numbers in some of the areas. The one thing that he would say to the Commission and the Department is to seek out local sportsmen groups to engage them. We are going to need each other on this if we are going to keep prevalence at the lowest rate. The last thing he would say as we are in a new congress is hopefully we can work with Senator Tester to provide some funding for this. Maybe we can the bill reintroduced. We think the Department is doing a good job. We support the proposal before you. Thank you.

Motion passes 5-0.

30. White Tail Deer Season Changes to Buck Only in HD 122 and 130

FWP proposes to change the white-tailed deer regulations in HDs 122 and 130 to antlered-buck-only during the general season, based on public input. The proposal would change the white-tailed deer general season regulations from first week either-sex district-wide and last week either-sex on private land to antlered-buck-only for the entire season. FWP is proposing this change outside of the regular biennial cycle because of significant public input asking for change before the 2020-2021 biennium. Justifications are in the commission packet.

The previous two winters have been long and hard with deep snow and cold temperatures that have resulted in below-average fawn recruitment. Hunters have expressed concerns about the number of deer and the lack of adult bucks in HD 122. Buck harvest there decreased 10% in 2017, and a further decline is expected to be seen when 2018 harvest results are available. The total number of HD 122 white-tailed deer checked at the Highway 2 Check Station west of Kalispell was down almost 50% this past season. In addition, the percentage of bucks from HD 122 vs. total bucks dropped from 19% in 2017, to 15% in 2018.

The objective in HD 130 is to reduce harvest of adult does to increase recruitment. Observed fawn recruitment, i.e. fawns living through their first winter, decreased from 53 fawns per 100 adults in 2016 to 25 fawns per 100 adults in 2018. The last two year's recruitment suggests a declining population. Furthermore, the 2018 survey indicated a decline in total population numbers. During the 2018 hunting season, the number of antlered bucks checked at the Swan Valley Check Station was dramatically less than in previous years. Most of HD 130 is public land with excellent hunter access. Winter severity has a significant impact on white-tailed deer in this area, which receives regular deep snows and cold temperatures. Predator density further impacts deer recruitment. Rationale for individual proposals may be further articulated at the Feb. 13 commission meeting.

This proposal has not received public comment outside the region. FWP regional staff recently hosted meetings in Kalispell, Libby, Trout Creek, and Eureka and presented information about deer population trends and harvest data and discussed deer management with sportsmen. Combined, these meetings totaled nearly 150 people who generally expressed support for the antlered-buck-only proposal. Other public comment may be taken at the Feb. 13 commission meeting.

Proposals may be adopted as proposed, with adjustment, with additions, with deletions, or no change from 2018 (status quo). No change would challenge the supporting justifications behind proposals.

FWP recommends the commission adopt the 2019 white-tailed deer hunting regulations for antlered buck-only during the general season for hunting districts 122 and 130 as presented by FWP.

John Vore, Game Management Bureau Chief, Wildlife Division, stated to change the white-tailed deer regulations in HDs 122 and 130 to antlered-buck-only during the general season. This is a final and was not on the December meeting agenda and this came up in regional sportsman and others in meetings in Region the proposal is to change the white-tailed deer regulations in HDs 122 and 130 to antlered-buck-only during the general season, based on public input. The proposal would change the white-tailed deer general season regulations from first week either-sex district-wide and last week either-sex on private land to antlered-buck-only for the entire season in the two hunting districts.

The previous two winters were particularly nasty ones. This was hard on the deer as far as cold temperatures and deep snow. This has resulted in a lower than normal fawn recruitment. This is to protect does and increase fawn recruitment. Staff in Region 1 did host public meetings in Kalispell, Libby, Trout Creek, and Eureka. They presented the information about deer populations and transition harvests. They discussed deer management with those in attendance. Combined, the meeting had about 160 people in attendance. In general, the proposal was supported for the two hunting districts.

Motion: Commissioner Aldrich moved, and Commissioner Brower seconded the commission adopt the 2019 white-tailed deer hunting regulations for antlered-buck-only during the general season for hunting districts 122 and 130 as presented by FWP, and that all other aspects of the deer season remain unchanged unless addressed in other proposals.

Commissioner Aldrich stated when we have been talking about river uses and restricting some of the rivers. He had a good conversation with a biologist over by Kila. His concern was that by taking the two areas in the last week of the general season either sex portion. People want to go out and fill the freezer. It's their chance to get venison and the season is evaporative without any success. His concern was moving the people from the Kalispell area and sending them over to his property and his neighbor's property. They already have enough, and they are not looking for more. He is not trying to stop anything biologically, but he does have concerns. There are concerns as to where the overflow is going as it won't be hunting districts 122 and 130. It was a good comment and he appreciated it.

Region 2- Helena

Commissioner Jim Wolf, stated he would like to make a few comments specifically on hunting district 130. This is the district he is most familiar with and has been hunting for the last 25 consecutive years. The last two years he has spent most of the general rifle season in hunting district 130. As the presentation laid out, there are a number of hunters that hunt unit 130 that are concerned over the last two years. They are concerned over the additional mortality that was placed on the female segment of the herd as a result of two really tough winters. The fact that unit 130 is predator rich environment highway 83 goes right through it. There are hundreds of whitetail deer that are killed each year by vehicles. He talked to quite a few residents in the Swan Valley who live and work there. He did not find one conservation minded hunter that supported continuing the antlerless harvest in unit 130 at this time.

He talked to the biologist in Region 1 (Neil Anderson and Jesse Coltrane), and expressed the concerns to them. He just wanted to say that he is really pleased with the fact the biologists took the comments of the public to heart. These were folks that spent many years hunting the area. They did acknowledge that there was legitimate concern there. Public meetings were pulled together in Region 1. He fully supports the Department's recommendation for hunting district 130. He would say that all his hunting colleagues would feel the same. My compliments to Region 1 for addressing the issue. Thank you.

Region 1-Kalispell

Don Read, Resident of hunting district 102, stated he wanted to thank Jim for mentioning that he visited with me about my concerns. His background is a biologist and he worked for Alaska Fish and Game. He also worked locally for Montana. He has seen the deer population over the time that he has lived there change. It has been much higher in the past with ups and downs. When we have a low population, we transfer more pressure on the neighboring districts that are open the last week of the season which causes hunter pressure. He realizes that this year we probably can't change

it. He would like to look into the future and eliminate antlerless hunting. If we are going to have antlerless hunting, let us have it region-wide. We have had problems out there. Thank you.

Chairman Vermillion wanted to thank Jim and Neal for coming up with the proposal. It is off cycle so to speak. It is important for people to know that when we hear a concern that there is a response.

Motion passes 5-0.

31. Performance-Based Elk Shoulder Seasons for 2019

In February 2018, the commission voted to annually adopt elk seasons in the original 43 hunting districts (HDs) with performance-based shoulder seasons, which were adopted in 2016, rather than biennially as is usually done. In December 2018, FWP proposed three performance-based elk shoulder season options in those original 43 HDs for the 2019 hunting season for the commission's consideration. The option the commission adopted for public comment was:

Maintain the current season structure in all districts, including early and late performance-based shoulder seasons for the 2019 license year, to allow for a more comprehensive three-year evaluation of season performance in late summer or early fall 2019.

It should be noted that the 2019 license year goes until February 2020.

This proposal allows for a thorough 3-year evaluation of shoulder seasons as originally laid out in the Final Elk Season Guidelines. Flexible season structure with performance-based shoulder seasons guidelines adopted in October 2015. Moreover, it will avoid any regulation change that might be entertained after an analysis of the 2018 harvest in August 2019, well after the regulation booklet is printed. Major season structure changes after the regulations are printed would cause a lot of confusion among hunters and becomes an enforcement nightmare.

Performance-based shoulder seasons in some hunting districts are meant to address problematic distributions of elk rather than overpopulation. These are situations where other methods like game damage hunts, management seasons, herders, kill permits, etc., have failed. Such seasons originally occurred in HDs 101, 109, 292 and, more recently, HD 311 and are not subject to harvest criteria. One of the fundamental objectives of the Elk Season Guidelines previously mentioned is to: "Address problematic distributions of elk and elk harvest" (p. 6), and the guidelines further state (p. 2) that "FWP may also propose and the commission may adopt shoulder seasons to address specific local circumstances. Examples of such local circumstances include areas where ... the landscape is dominated by multiple small ownership parcels making it difficult to safely harvest elk or respond to game damage."

Public comment was taken from Dec. 10 through Jan. 18, 2019, and we received 287 comments, which are included in the commission packet. There was a mix of general support and opposition to shoulder seasons. In addition, recurring themes spoke to rifle hunting during archery season, private land harboring and access, length of seasons, support for opening public land, updating the elk plan, and excluding inaccessible elk in objective counts as addressed on page 55 of the elk plan. Proposals may be adopted as proposed, with additions or deletions, or with no change from 2018 (status quo).

FWP recommends the commission adopt the current performance-based shoulder seasons in the 43 hunting districts where they were initiated in 2016 for the 2019 license year.

John Vore, Game Management Bureau Chief, Wildlife Division, stated at the last Commission meeting three alternatives were available and the one that was chosen is the one in front of you today. That option is to maintain the current season structure of all districts including early and late shoulder-based seasons for the 2019 license year. This refers to the 43 hunting districts that were originally proposed for shoulder seasons in 2016. This is to maintain all season structures in 2019 and to allow for a more comprehensive three-year evaluation of season performance in late summer or early fall of 2019. It should be noted that 2019 license years goes through February of 2020. This proposal allows for a thorough three-year evaluation of performance-based shoulder seasons as originally laid out in the final elk season guidelines that were adopted in 2015.

This would avoid any regulation change that might be entertained after the analysis of the 2018 harvest of August or early fall of 2019. That would happen well after the regulations have printed to make the season change. This would be very confusing for hunters out in the field. It would be very difficult for enforcement to enforce.

Performance-based shoulder seasons are meant to address problematic distributions of elk rather than an over population of elk. Other situations like damage hunts, management season, and herders kill permits have all failed. What originally occurred in 2016 in hunting districts, 101, 109, 292, and more recently in 311. Those seasons are not subject to harvest criteria. One of the fundamental objectives of the elk season guidelines that were previously mentioned is to address problematic distributions of elk and elk harvest from page six. The guidelines further state that on page two, FWP may also propose and the Commission may adopt shoulder seasons to address specific local circumstances. Examples of local circumstances would be where the landscape is dominated by multiple small ownership parcels making it difficult to safely harvest elk or respond to game damage. The seasons that are in those hunting districts where there are no harvest criteria applied to them were meant to address the problematic distributions of elk. It is written into the guidelines. It is Commission approved. It currently has the four hunting districts that he has mentioned adhere to the guidelines.

The public comment ran from December 10 to January 18, 2019. We received 287 comments. There was a mix of general support and opposition to shoulder seasons. Some reoccurring themes were rifle season during archery season, private land harboring, access, and length of seasons. There was support for opening up private land. There was support for updating the elk plan and some excluding inaccessible elk in objective counts as addressed on page 55 of the plan. He would like to point out that is usable if elk remain in that same private land all the time.

The Problem that we have that you are all aware of is elk might be on private land for part of the time and then at night the elk might move to another area if they are scared off. They could potentially move back and forth which may cause potential problems. This is why we have seasons that address the problematic issues of elk especially in the areas of small concentrations of lands. In hunting district 109 and 292 as an example of many landowners and game management seasons. Shoulder seasons did not work in that scenario. Thank you.

Motion: Commissioner Brower moved, and Vice Chairman Stuker seconded the commission adopt the current performance-based shoulder seasons in the 43 hunting districts where they were initiated in 2016 for the 2019 license year, and that all other aspects of the elk season remain unchanged unless addressed in other proposals.

Vice Chairman Stuker asked how many areas we have now that allow rifle during archery season?

Mr. Vore stated that he did not know and would have to research that. Although, he thought most of the districts do.

Vice Chairman Stuker stated he thought that most were on the west side of the mountains. He was sure that he argued that four could not for safety issues. He knows that management hunts may happen, but no shoulder seasons were to be allowed during archery season as this poses a safety issue.

Chairman Vermillion agreed. He was under the impression that we had until August 15 until September 1. It closed after that until the archery season was over and then it would start back up.

Vice Chairman Stuker stated that most of them do. In Region 2 there were some. He thinks that where some of the comments may have come from.

Mike Thompson, Wildlife Manager, Region 2, stated that they have a standard season and sometimes an exception. Generally, for the shoulder season until August 15 until February 15. The August 15 to the start of the general season is restricted to private land only. So, no DNRC land, no Forest Service land, and so forth. That arrangement is between the private land owners and the hunters the landowner allows. If there is any concern about safety, the landowner and the hunter will work that out.

The issue being that time of the year August, September, and early October is we get a fair amount of game damage as well as concentrations of elk on alfalfa that people are waiting to harvest. The elk will show up a day or two before they are ready to harvest and they want a really rapid response. The tool that we have in place is us and the landowner opportunity the help they need to get people that they trust to come over and hunt as long as they have tags. They can then move the elk around and maybe harvest a few. It has worked really well for us. Our perception of the harvest at this point in the early part of the season has been low and down in the occurrences in crops since the early part of the shoulder season. We see that it is working and that we are pleased with as well as hoping to hang on to this. It is working pretty well for us.

Vice Chairman Stuker stated the rifle season is not part of the shoulder season. It is a management hunt or something along those lines during the early season.

Mr. Thompson stated that he would not jump to that characterization because it is similar to being restricted. Although management season would not have to be restricted to private land pending review by the Director's office. Early shoulder season is restricted to private land only and is more restrictive in the regard that any landowner who lets a hunter on their property is qualified to hunt. The landowner may reach out to anyone. They don't have to go through a roster or sort out any lists of random selection of hunters. It streamlines the process to maybe a handshake between the landowner and the hunter. The Department steps out from that relationship except to set the outer bounds of the season.

Chairman Vermillion stated it sounds like what has essentially happened is a management hunt without the random roster in the early season even though it is called a shoulder season.

Mr. Thompson stated if that sounds right to the Commission then it is close enough to me.

Chairman Vermillion asked what Mr. Thompson thought.

Mr. Thompson stated the Commission adopted a little more restriction than that in terms of how the hunt can be conducted. The people that can participate is less restrictive.

Neal Anderson, Region 1, stated they also have an early season. It is elk based on limited permits. It starts August 15 and runs February 15 which coincides with archery season. It is limited to private property only. It was for the same reasons that Mr. Thompson mentioned. We have seen success with it. It has been a popular season for landowners and helped eliminate all early season game damage issues.

Mr. Vore stated that he researched the answer to Vice Chairman Stuker's question that was asked earlier. In region 3, 4, and 5 there is no archery overlap. You were correct in the earlier assumptions. In region 1 and 2 as Mr. Anderson and Mr. Thompson pointed out there is an archery overlap. He stands corrected in his earlier assessment.

Chairman Vermillion stated the safety perspective is that it is only on private land. We are assuming that anyone on that private land knows that there are other hunters there. We are talking about relatively small acreages, so they should be controllable.

Mr. Vore stated in Region 2 it isn't necessarily small acreages. Keep in mind many of the hunting districts in Region 2 that have performance-based shoulder seasons are whole hunting districts. The property ownership may not necessarily be small. You are correct about it requiring landowner permission to hunt. This is only for B licenses. There are a limited number of those for Region 1.

Chairman Vermillion stated there a couple of districts or shoulder seasons in Region 2 that were under objective from a population perspective. We are still doing shoulder seasons. The way that it was explained was that they were doing a shoulder season not because there was worry about problematic distributions of elk as well as small landscapes. There might be ownerships that make it difficult to do management hunts because you need landowners that cooperate with the Department. The elk will move over to where it is safe. Is that correct?

Mr. Vore stated in Region 2 is probably the one you are speaking to such as hunting district 292. It is a collection of small ownerships as you know if the management hunts are going to be effective then you need almost every landowner in the area to participate in it. In some areas in Region 2 it looks like we are under objective and he will talk specifically about hunting districts 212 and 213. He referred back to some of the information that was handed out in October, particularly the criterion chart. If you look at hunting district 213, it appears to be under objective. However, hunting district 212 and 213 really operate as one just like we do over in the Snowies. He visited with Mr. Thompson about this. The two hunting districts really should be combined and will in the future. In hunting district 212 and 213 together the objective is 1,150. The last count was 1,553. We are really over objective in that area. To cut one out and not the other is not going to address the problem.

Chairman Vermillion stated he is usually the one arguing about revisiting the objectives. It sounds like the other side of the coin is in subdivisions where there were traditionally elk habitat. We may have an objective from 2002 that was a big ranch that is now a subdivision. The objective was a 1,000 and now it should be zero.

This is one of those situations where we have to do this. He doesn't think that it is the Department's fault. If we are going to manage the elk then not change the objective in 15 years, we are not doing the elk a favor. It makes

everyone's job hard. It creates tension with the Legislature. It baffles him that we have not even started the process. He knows that everyone is working on a lot of different things.

This is a classic case where there is good reason why Mr. Thompson is promoting that particular hunt. If you look at it from the old management plan objectives, it looks like we are making a mistake pounding the elk when they are already under objective. What has really changed is the landscape around the elk and our ability to tolerate the elk. There are now school buses, traffic, and things that weren't there before.

Region 2- Helena

Thomas Baumeister, President, Orion Hunters Institute and Helena Hunters and Anglers, stated they submitted letters expressing their concern about a proposal for another year of elk shoulder seasons. He took a few hours to read the 287 comments that were submitted. He agrees that were a mix of opinions. He saw a lot of thoughtful comments, suggestions, and considerable concerns about the elk shoulder seasons. He feels that it is noteworthy to point out that he recognized many of the names in the 287 comments. He knows that they are avid elk hunters.

In some ways it really defies logic. Why would passionate Montana elk hunters step up and advocate for throttling it back for saying enough is enough and ought not to kill cow elk in August nor should we be killing elk in February. He stands before the Commission wondering if there is an opportunity. He knows that the Department is doing a thorough evaluation of the elk shoulder season following the upcoming season. He was wondering if there was a possibility to strengthen a little bit by amending the proposal to say that the Department will review and revise the elk management plan. I was delighted as he heard him just now expressing some of the concerns. He seconds that opinion. He wondered if that couldn't be a condition to approving the proposed season. Thank you.

Chris Marchion, Anaconda Sportsman Club, stated the purchase of the Garrity Mountain addition that his club has worked really hard to support that. He wanted to thank a couple of individuals. One is Mark Sweeney who is a realtor that brought this to his attention. You are probably wondering why we are going through this again and why wasn't it done right the first time. We bought the Garrity Mountain addition at 20 million dollars and 35,000 acres. RY owned a lot more land than we bought. What we did was peel off anything that had public access other than the main roads. They were trying to make the purchase more digestible. There are a lot of pieces that got left off. RY sold and subdivided as well as houses on them. This is a piece that did not get sold. About four years ago, Mr. Sweeney brought this all to his attention and felt something was missed there. He was able to keep RY's attention for four years until we could get this done. They also deserve a round of applause for being patient with us. It is just the nature of these things.

He says this because across the street there is a lot of contention about us buying up a lot of private land and turning them public. Nobody sells ground to FWP unless they are patient and they really believe that it is the right thing to do with their property. There are easier ways to sell property. He especially wants to thank RY. He looks at hunting district 214 and we have owned the ground for over twenty years. It has always had a tremendous mule deer population. Lately there are probably about 30 mule deer left. They are gone. There are white tail that have moved in, but the mule deer are gone. The elk population is that same as it was twenty years ago. They have counted about 120-130 elk on that property. It has been this way the last two or three seasons. About five or six years ago, we reached 270 and the objective is 350 which was set for that property. There are elk that come to winter on it, but it is not consistent. The Sportsman Club has always helped with these matters. He had a disagreeable conversation with the wildlife biologist in that area about the shoulder season because they were ignorant of the fact that part of the shoulder season is on private property where elk would have been vulnerable. We would have shot them.

When he looks at 212 and 213 he understands the problems that go with that. He doesn't understand why 214 though. Why? This was never brought to our club for discussion by Region 2. We have advised what we think about it. Even if you had a meeting he doesn't think anyone would show up as this is not the first time this has happened. The club has lost all confidence that anything is going to happen. He doesn't understand why we are involved in 211 and 216 either. He did buy a shoulder season tag even though he is not that excited about hunting. He understands why some of the landowners are upset.

Mr. Marchion took the liberty to call several of the landowners and found they had a terrible elk problem. He advised them that he had people that could come up and hunt to help with the elk problem. He never did get a call back to go hunt. He let the Region and the warden know that if they need help killing elk he would be happy to help. There are plenty of elk. There is 20 percent rate in elk harvesting. Some guys are more active or better elk hunters. If you want more interest in elk hunting and the opportunity. They can drive down the road and see elk and can't get to them. We have to see both sides of the equation.

Nick Gevock, Montana Wildlife Federation, stated the Commission saw the comments about having shoulder seasons eliminated and reinstated in August. He realizes that is not the direction where the Department is going. He has more comments in light of that. MWF supported the establishment and implementation of performance-based shoulder elk seasons. We have the expectation that the required data is being gathered and that is all being evaluated. He understands that the shoulder seasons are not even done for another two days. Vice Chairman Stuker brought this up years ago and you knew we were going to have this issue. We are concerned that the focus has been on the total of elk harvested instead of all the criteria that was agreed upon.

MWF believes that there should be no shoulder seasons for districts that are near or under population objective. We believe that the Department has many other tools to deal with local elk depredation issues. Since the initial shoulder season proposal, addition hunting seasons have been added to the proposal before evaluation was completed. We also understood that our good faith support of the proposal was contingent on a three-year evaluation process that would provide a basis for the future season type. Instead, we have been presented with addition hunting districts added to each hunting regulation cycle before an evaluation.

He is concerned there will be a significant attempt to legislate harvest regulations rather than letting the Department or the Commission establish science-based regulations in collaboration with sportsmen, private land owners and public land managers. We believe the Department needs to be more engaged with sportsman and you heard Mr. Marchion; stay in touch with landowners and improve their understanding of trust responsibility.

We sometimes have divergent times with landowners that can be resolved in a collaborative manner. Finally, our existent elk management plan while dated, provides an excellent framework and tools for management of our elk herds. We would support adjustment of our population objectives through our existing process proposing in July and amending in the comments. We would also support amending the elk plan as appropriate. We feel that the Department did not consider the public comment received on the elk shoulder season proposal for 2019. With so many diverse and thoughtful comments, the Department has an exceptional opportunity to so a content analysis. Thank you.

KC York, Trap Free Montana, stated that she did not elaborate much on the swift fox conservation strategy. Of the 41 comments that were submitted in 2018, 40 of them were for a zero quota or a moratorium of the swift fox. We were told that swift fox were getting caught in traps set for coyotes. We heard comments of concern for livestock protection because of the coyotes. It has been found that modifying the pan tension on a modified victor number three soft catch...

Chairman Vermillion reminded MS. York that this segment of the meeting was to talk about shoulder seasons.

He wanted to add that he looked at the comments too. It has been a long time since he has seen these many comments opposed to the Department to hunt elk. He thinks that what Mr. Marchion said was that it would well serve the Department to listen to those comments. The Legislature is currently considering proposals that would mandate shoulder seasons and could take away authority from the Department and the Commission to manage wildlife. That would be unfortunate and everyone would probably agree.

Regarding comments about the shoulder seasons, he gets calls about it and most are negative. These come from fairly conservative pro-hunting folks and a lot of landowners that feel that there are shoulder seasons where the elk are getting pushed too hard. They can shut the gates down and close off access to give the elk a break. He thinks the warning signs are flashing red. He would encourage people to take a look as far as the relationship with the Department and the public that relates to shoulder seasons.

He knows that we are in a strange spot as far a timing on this. He would prefer not to have any shoulder seasons in 2019 until we get all the data, but he understands why we are doing this. He will support it. He feels that the shoulder seasons are losing a lot of support. If the Department is wondering why public participation is diminishing, and some of it is demographic but mostly it is frustration. As the Legislature is constantly weighing heavily on the Department and taking away the authority that has traditionally been based on science; overtime it puts us in some pretty tough spots.

If he were a legislator looking at all these issues, he would be talking to his constituents. He still doesn't think the constituents are strongly in support of shoulder seasons as they were three years ago. Looking at all the public comments that he gets is deeply reflective of that. There was an article that came out in High Country News in November about elk populations in Colorado. They are seeing their elk population not rebound because they are hunting elk September through December. The elk populations even though they are pulling back on the pressure

are seeing changes in the way elk breed and they are breeding later. The calves are being born in June instead of May. He doesn't know what the exact specifics are. The point is that when you make these changes, in three years we are going to reset the clock and we need to be on the same page. Some time there are implications to our management decisions. It could end up more dramatic than we know about.

He understands that the Department is in a situation where they have to put this forward. He really doesn't think the public supports this anymore. It pains him to say that but, he just doesn't think that they do. We are losing a lot of our traditional support. People that love this agency and admire the work are getting frustrated as they no longer think that we are managing wildlife with science. They feel that this has become political. It is not the Commission's fault. It is not the Department's fault. The issues have become way to partisan. This happens, we find ourselves approving a shoulder seasons to stave off the Legislature. That is not what we told people four years ago. I understand why we are doing it. We went through the process to do it this time. He won't be on the Commission when this comes back in August or December. He hopes that the Department has a really robust discussion with folks. If you really want to go do shoulder seasons in 2020 and 2021, etcetera, then we should make a commitment to the public to address objectives.

Until we address population objectives, and the amount of change that has happened in Montana since 2002 or whenever the objectives were established; in the last 15 years Montana has changed more than the first 30 years of his life. We have not been able to catch up to that change. Until we do, we are going to putting square pegs in round holes. That is going to be harder to do as we move forward. Eventually, it will get to the point where we can't. He cannot emphasize enough how important it is to look at the elk plan. Maybe we wouldn't redo the elk plan, but we should pay close attention to the objectives sooner rather than later. There are conversations that have become strained when people want to work together.

There are sportsmen that want to work with landowners. There are landowners that want to work with sportsmen and the Department wants to facilitate these conversations. But, if we are still stuck on numbers from 2002 when the population has basically doubled, we are never going to succeed in getting the argument out of the room. Until we do that, elk conversations are going to be difficult. There is no question as far as his last 12 years of service nothing has been more contentious than elk management. He would assume that most of Mr. Vore's time is spent on elk management. This is such an important species to the state, the hunters and the non-consumptive users. Until we can figure out how to reset the table on this issue the better.

The Department knows this, but he thinks needs to be done soon. The sooner we do this the better our relationships with the Legislature will be and with the sportsmen. He feels that this just needs to get done. If you look at the comments that were made in December, you'll see that people that traditionally didn't support changing population numbers express support. Until we adapt to that and listen to it to get things done, we are going to have really hard conversations. There will be a lot of frustrated people on both sides. Hopefully, we will find a way to move forward.

Vice Chairman Stuker stated that he and Chairman Vermillion get along on most issues and there are some that we slightly differ on. There is a saying that beauty is on the eye of the beholder. When he read through the comments, there are a majority that does not support shoulder seasons. Over the last several years he has gotten to know some of the names from the comments. They call and chew on him about the issues. In the comments now, they are supporting the shoulder seasons. They are supporting going to public lands and having that included in the shoulder seasons. They are saying that we need to kill more elk and allowing more tags to be sold.

Chairman Vermillion and Mr. Gevock commented earlier that there is talk to make shoulder seasons mandatory. This is similar to 245 where it made it to the Governor's desk and he vetoed it. He then sent a letter to the FWP director and said that the objectives need to be managed. If the bill gets there again and we have not done this, will he sign the bill which we will lose some of the ability to of the Commission to manage elk. He agrees with Chairman Vermillion in that we need to look at this and this is something that needs to be addressed. It needs to be addressed with all of the parties involved, the landowners, the sportsmen, the landowners, the outfitters, and the Department. We all need to reach an agreement.

If we cannot reach an agreement, then the Legislature is going to tell us what to do. We both looked at this and got a different perspective from the comments. His perspective was more people were starting to look at this and think we need to do something. Four years ago, they were dead against shoulder seasons. If he had been quite a few years ago, we wouldn't be having these conversations, but we agreed on something and peoples has the right to weigh in again. He supports this. He is hoping that we will revisit some of these things like the elk management plan, so we can get a handle on this.

Chairman Vermillion is absolutely right that decisions being made have consequences. There were some decisions made that probably did cause some of the problems. We have to try to make sure that the elk are there, and the numbers are there so we don't have the same things happen like Colorado. It is a difficult situation and he would really prefer not to hunt elk for six months. Somehow, we need to get a handle on them. Thank you.

Commissioner Aldrich stated that he spent a lot of time looking at this and visiting with people about it. It all goes back to what was said by law. Fish, Wildlife and Parks and the Commission are responsible for managing elk, deer, and antelope was in the population objectives. That is still the law. He wants to be a law-abiding citizen. He doesn't necessarily agree with what this might mean but that is the law. He thinks in 2015-2016 we got into the shoulder seasons that we had before us. The 2004-2005 elk plans with population objectives that first of all we had to consider the carrying capacity of the habitat if you will for one factor. The one that was dominant was landowner tolerance for elk. That is where we are. He thinks that the shoulder seasons that we have put into place have done some really good things. Hunting districts in Region 2 which is 210-211 elk count is 380 down from where they started. The next one is 212 and it is down 949 elk. Region 2 is pretty secure in the things they are able to do.

The objectives that we have set and the measurements that we had to take in 2015-2016 said we are going to take the recruitment. What does that do? In theory it would level things out. There would be some ups and downs, but you would be level in the populations considering winters and how the hunting seasons went. For us to stop now is really wrong. He thinks for us not to continue with what we basically have is really wrong. It is not getting us where we need to go to live with the law of the land. What is the target? The population objectives are 15 years old. There has been a lot of thinking and decisions that people have made. We have a lot more private landowners and a lot more elk than he ever imagined there would be.

The 278 comments gave a lot of input that we need to put to work with some kind of a structured process that have public engagement with the key players such as the landowners, sports community, and the managers. We have to come together to think about the tools that we have because that law is not going to change right away. We need to capitalize on the information that we have from the comments. Let us do a content analogy and move forward that way. He'll be happy when we get the data in August. Between now and then let us look at the field of ideas that we have to come together with some kind of approach. Where we are right now, well it isn't getting it done in some places. We need to make some changes. Thank you.

Commissioner Brower stated that he echoes what has already been said. He agrees with Vice Chairman Stuker about elk being chased six months out of the year. He also has a hard time with that. We are tasked with managing those numbers. He thinks that it is important to have an additional year of data to go along with what commissioner Aldrich said. It would be good to see what else can be used to bring down the elk numbers aside from chasing elk that long.

Commissioner Colton stated that it has been a long already. He feels that everyone has touched on the important points. We have tripped into another year of shoulder seasons. He doesn't want to lose the perspective that this was a bargain made when we put these in place. These were not designed to be permanent and it seems that it is turning into that pretty quickly. He is glad that there was this exercise and that we took the time to do this. The promise was made when these were put in. He doesn't see any meaningful way to have a discussion about shoulder seasons elk management with the shoulder seasons set the way that they are now.

We have no other season or species that we have key criteria that is 15 years old. If there is another example of this let me know. He really has thought about this and does not remember ever having key criteria that is 15 years old. The acid isn't going to come out of the conservation unless we have that. Someone had told him that the objectives are there as a club. They are picked up by whoever needs them at that time. That has created a lot of this divisiveness. Because we are expecting a 100-meter time doesn't mean that work in a 200-meter race. We have set goals that are not attainable in some respects. In looking at some of these they are not realistic.

I am heartened by the thoughtfulness of the comments that came through. They were not just nasty late night ramblings. There was thought put into them. That provides him with some measure of hope. He appreciates the Commission going through this exercise. He wanted to thank everyone that came to the meetings and provided comments and input.

Director Williams stated she is echoing the thoughtful comments and appreciate them. What she hasn't heard said was the reality of the comments and what we most often do. All seem to come from a specific perspective. What she thinks has to happen is that each of us has to step up to the plate and bring an open mind to this. It requires sportsmen and women, landowners, outfitters, and the Department as a convener. It will take each of us having a more open mind and the ability to see the different perspectives. We are not going to solve this.

We haven't yet looked at one perspective or another. That is something that she does not hear enough and there is so much water under the bridge here it is hard to come to the table with an open mind. She is asking the Department to commit to a position to move forward with an elk management plan. She thinks there should be different components to it and to come at this in a new way. We need to bring people together. We won't be successful unless we go about this in a new way and think about what our respective roles are. She is not trying to beat a dead horse but that's just a piece that she has not heard yet. The Department's role is to convene and pull everyone together. We need to unify and include people. That is not going to be easy. We are willing to do because it is our job to manage the public trust. Thank you.

Vice Chairman Stuker state he had heard something the other day and wanted to compliment Director Williams. She went to Region 4. She went out with the supervisor and met with landowners and visited with them about exactly what she said. How are we going to get together on these issues? He also knows that the Region 5 supervisor, Barb Beck went out and visited with landowners the other day trying to take the same message. That is what we have to do. We have to get all parties engaged Not just the landowners. He would like to compliment the Department on their efforts. Thank you.

Motion passes 5-0.

32. Alberta Sage Grouse Translocation

Sage-grouse in Alberta, Canada, declined from estimated highs of 1,000 - 1,500 in the early 1980s to less than 50 in 2011. After years of decline, the population stabilized during 2013-14 at a low of about 40 birds. To assist recovery, FWP cooperated in translocating 41 female birds from Phillips and Valley counties to southeast Alberta in 2011-12, and another 38 in 2016. The birds bred and integrated into the Alberta population within the first year. Alberta Environment and Parks believes the Montana birds have substantially contributed to the Alberta population and staved off extirpation. Alberta estimated their sage-grouse population at 129 in 2017 and 102 in 2018, marking the first significant increases in 20 years. Alberta has an active sage-grouse recovery program that includes habitat enhancement and securement, oil and gas reclamation, predator management, and translocation.

To continue recovery, Alberta requested up to 40 adult female sage-grouse from north-central Montana in the spring of 2018 to be translocated, which was approved by the commission last year. Due to unfavorable weather conditions, the 2018 capture did not occur; therefore, FWP is asking for commission approval to translocate 40 grouse in the spring of 2019. An additional 40 grouse may be requested in 2020. This project is covered by a 2015 Environmental Assessment that was out for public comment, and a Decision Notice signed giving approval, so there is no need for an additional public comment period, although public comment may be taken at this meeting.

Because the transplant sites are within 25 miles of Montana, Alberta's efforts may also benefit Montana because it will bolster this trans-boundary sage-grouse population. Moreover, northern Montana's sage-grouse population has been doing very well over the last few years. 2018 lek counts were near average in the general area where birds would be removed despite difficult weather conditions due to persistent snow cover. Removing up to 40 hens for translocation will not noticeably affect the population and will most likely be unmeasurable at the population level and therefore inconsequential. Instead of committing to future translocations now, FWP will evaluate populations before proposing translocations in 2020, and will only propose them dependent upon the status of the source population in Montana and the success of previously translocated birds.

FWP supports the proposal. The 2015 EA was out for public comment for 30 days. Comments were addressed in the final EA and response to comments. The December 15, 2015 decision notice found no significant impacts and recommended translocation of sage-grouse.

FWP recommends the commission endorse translocating up to 40 female sage grouse to Alberta in spring 2019 according to the terms and conditions outlined in the EA.

John Vore, Game Management Bureau Chief, Wildlife Division, stated the Alberta sage grouse translocation, you may remember over the last several years we have relocated sage grouse from central Montana to Alberta a few times. The sage grouse in Alberta have been struggling. They went from 1,000 to 1,500 in the 1980s down to around 40 birds. Alberta came down asked Montana if they could get some of the birds to help even things out a bit. We have helped them out about three times now. We have translocated about 40 birds at a time.

As you may remember last year we were supposed to translocate about 40 birds to Alberta that the Commission authorized. It did not take place as we could not get out there due to weather to capture the birds. The Department is asking now if it is okay to do so in the spring of 2019. He has spoken to regional staff and our bird counts are strong. The populations are doing well. We don't think there would even be anything noticeable happening by taking the birds.

There was an EA that went out and that is all done. We could not get it done in 2018 so we are asking to do it now in 2019. If we can do it in 2019, there is also a proposal that Alberta would like to consider that in 2020. We would come back to the Commission to ask for permission in 2020. It would also depend on how our birds are doing at that time.

Motion: Commissioner Brower moved and Vice Chairman Stuker seconded, that the commission endorse FWP's proposal to translocate up to 40 female sage-grouse to Alberta in spring 2019 according to the terms and conditions outlined in the EA.

Chairman Vermillion asked for comments from the Commission.

Vice Chairman Stuker stated that the Department has transferred twice in the last couple of years. The third one we didn't do because he believes they talked about three of 40. That would have been the last one earlier before he was on the Commission. The data only shows two. He wanted to know how successful it is. In 2017 they had a 129 and in 2018 they only had 102. There were 80 of those that we moved up there. If they had 40 or so before it would seem they are still declining. He doesn't know what is happening based on this last winter. If we are continuing to move up there and they are not moving in the right direction, at what point do we say no?

Mr. Vore stated that was a good question. One thing that he would point out is the difference between 129 and 102 is well within the margin of error of how things are counted in Alberta. We look at that as being a stable population. It has come up from a low of 40 to 102. Alberta is doing a number of things to address habitat issues, predator issues, and to make everything better on the ground. We will see what happens with this population and see if its base level or if it increases or whatever happens in the future.

Commissioner Brower asked if they are getting birds from anywhere else or just Montana?

Mr. Vore answered that to his knowledge they are not getting birds from anywhere else. The regional staff could address that but to his knowledge they are not.

Chairman Vermillion asked if Alberta had a captive rearing center at the University of Calgary.

Mr. Vore stated they do. They have not used any of those birds to date. Another thing we need to consider is that there is only one population from Montana that goes to Alberta.

Chairman Vermillion stated that Wyoming was going to try to grow birds at the captive bird facility in Powell. Everyone thought that was a classic approach. It has been shut down because it didn't work.

Mr. Vore stated that growing sage grouse is different than growing pheasants. It is not as easy.

Vice Chairman Stuker stated he knows that the birds are coming from Philips and Valley counties. There are a lot of electrical and telephone co-ops out there. They are being charged high mitigation fees over putting lines in. So, if we can move them out of some of those areas, he'd rather see that than move them out of areas where nothing is going on. Thank you.

Chairman Vermillion stated that the Department is trying to get the population next to the border as they are all a part of the same flock. Is that right?

Mr. Vore stated that regional staff can speak to the subject of the co-ops that were mentioned earlier. There are some flocks up in the southern valley and Philips County where the sage grouse populations are doing well. It wouldn't be 40 birds out of the same lek, but birds selected from various leks as not to impact to one population. The birds would be taken from around the landscape. The reduction of birds would not be too noticeable, but the regional staff could speak to the question of the co-ops mentioned.

Motion passes 5-0.

33. Sharp-Tailed Grouse Translocation Site Update

Sharp-tailed grouse (STGR) west of the Continental Divide in Montana are a species of concern with a state ranking of S1, "at high risk because of extremely limited and/or rapidly declining population numbers, range and/or habitat, making it highly vulnerable to global extinction or extirpation in the state." However, east of the Continental Divide, STGR are doing very well with a state rank of S4, "apparently secure, though it may be quite rare in parts of its range, and/or suspected to be declining." STGR west of divide became extinct in the early 2000s. STGR west of the divide have remained an FWP priority for 34 years dating back to the Libby Mitigation Plan that quantified habitat and wildlife losses after Koocanusa Reservoir was created. In 2018, FWP and several other partners completed an updated evaluation of potential STGR habitat in western Montana. The objective of the project was to compare habitat variables important to STGR in occupied areas east of the Continental Divide to those in unoccupied areas west of the Divide to determine if suitable habitat exists for a potential reintroduction effort in western Montana. Results show there is high-quality habitat that could serve as core areas for the reintroduction of STGR. In 2016, the commission endorsed FWP to move forward with an EA evaluating two areas: the Blackfoot Valley and the northern Bitterroot Valley. FWP would like to add a third area south of Drummond to be considered as an alternative and evaluated in the EA. After additional analysis, the habitat evaluation identified this area as one worth considering.

To date, FWP has worked with our partners, landowners, and ranch managers to complete the habitat assessment referred to above. The EA process encourages public participation and incorporates public comments generated during review. With commission approval, a third reintroduction site will be added to the EA and become part of the future public process.

The STGR Restoration Plan, completed after endorsement by the commission, identified three potential sites where FWP would reintroduce STGR into western Montana. The new site included in the plan was the Drummond area. This project is supported by both the western Montana STGR plan and the statewide Upland Game Bird Plan. Without commission endorsement, FWP would not evaluate the Drummond area as a potential reintroduction site.

FWP recommends the commission endorse a third area south of Drummond to be considered as an alternative in the EA for sharp-tailed grouse in western Montana.

John Vore, Game Management Bureau Chief, Wildlife Division, stated the sharp-tailed grouse west of the divide has been a species of concern for many years. East of the divide the grouse are doing very well. The populations became extinct in the early 2000s. These populations have been an FWP priority for along time and was associated with the habitat losses associated Kukuchka Reservoir. In 2018 FWP and several of our partners completed an updated evaluation of potential sharp-tail grouse habitat in western Montana.

We came before you earlier to seek endorsement for an EA that addressed moving sharp-tail to two places in western Montana. With the new evaluation there has been a third place identified. The original two were in the Blackfoot Valley and the northern Bitterroot Valley. Additionally, we are looking at an area just south of Drummond. We are asking the Commission for Permission to add a third location when we draft the EA. The EA would be done within the region. The regional supervisor would make the final decision and issue the decision notice. All that we are looking for is permission to include a third area in addition to the previous two.

Motion: Commissioner Brower moved, and Commissioner Colton seconded that the commission endorse a third area south of Drummond to be considered as an alternative in the EA for sharp-tailed grouse in western Montana.

No public comments.

Motion passes 5-0.

34. Public Comment for Items not on the Agenda

KC York, Trap Free Montana, stated the swift fox conservation strategy of the 41 comments, 40 were requesting a zero quota and moratorium until we know the swift fox population is vital and can with stand that. Also, regarding coyotes, the swift fox are getting caught incidentally in the traps. They found that by adjusting the tension on a modified victor 3 soft catch resulted in a 94 percent capture of coyotes and a 100 percent exclusion of swift fox. There are ways to continue the trapping of coyotes and not jeopardize swift fox.

This brings us to the question of managing swift fox for their genetic diversity or optimum growth and dispersal facilitating their natural and ecological role. Should we be focused on the special interests of a few trappers? We can very easily find that there are very few trappers that are targeting the swift fox. It is a tremendous price that we believe is being paid. We feel that it is biologically, socially, and economically unjust to continue trapping swift fox. Montana has an opportunity to set an example for the other states that are really trying to increase the numbers. The numbers have decreased in Canada and you cannot trap them there.

Something that was mentioned and looking at the numbers, objectives on elk from 15 year ago and trapping was set almost 16 years ago. Some of the trapping rules go back to the 1960s. that is quite a longtime ago. Lastly, they feel that it is important for the Commission to know that there is a mandatory trapper education bill in the Legislature LC 538. We asked Representative Brigitte Smith to sponsor it and weigh in on the trapper advisory committee before the final bill. Fish, Wildlife and Parks did not mention this bill when they had a half an hour presentation to the citizen's advisory committee in Great Falls which was to be their final gathering. This particular bill was not mentioned although FWP had been privy to seeing the language.

Representative Smith could no longer wait so the language has been finalized. The Commission is in the final language given final authority in the bill. Despite our expressed concerns last year that the trapping advisory committee was delayed and would not get to come before the Commission. Apparently, this will happen sometime this year. Since they did not conclude in Great Falls, they will meet again in April. They were told that would be too late to give their recommendations to the Commission for the furbearer proposals.

We do hope that everyone will get on board. Both sides, proponents and opponents of trapping do want mandatory trapper education. What was in the language Trap Free had an involvement in the language that was brought before the Commission in 2017. To save time she went ahead and got the closer dates on the swift fox in January 2018. This was when they hit ten and the reports showing 12. The 12th one in the middle of this was roadkill. Still there were 11 and the season took awhile to close. Thank you.

Mac Minard, Executive Director, Montana Outfitters and Guides Association, stated that this was the last trip for Chairman Vermillion and it has been a long ride. He knows that they have not always seen eye to eye on issues. He wanted to publicly tell you that you were continually someone who reached out and continually kept the door open. You didn't block my calls. Over time, I think you taught me and others that it is perfectly fine to discuss and debate an issue in a civil manner in a way that does not prevent us from moving to the next issue. If that is your legacy with your part of the Commission, then you should be very proud of that. I wanted to offer that to you. So, thank you.

Chairman Vermillion thanked Mr. Minard.

Gary Wolfe, Missoula, stated that he had two brief comments. He knows that this is a long day with lots of travel. On the elk issue he wanted to say that many years ago he was an elk biologist. He had the responsibility of managing the largest elk herd in New Mexico. He cannot imagine trying to do his job as an elk manager using objectives that were 15 years old. He wants to encourage the Department to do a complete rework of the management plan to at least follow the recommendations of the Commission and take a look at updating those objectives. The population objectives that are 15 years old makes it impossible to make legitimate sound decisions.

It is called population dynamics for a reason. Things are constantly changing. The landscape changes, caring capacity changes, and the social tolerance for elk is changing. He really encourages the Department to take a look at updating all the objectives. In some areas he is sure that they have gone up and others may have gone down.

The second comment is the reason that he came to Helena today. It is very similar to what Mr. Minard just said. He advised Chairman Vermillion that he wanted to address this as a former colleague of the Commission and now a conservationist. You have been on the Commission for 12 years and six years as chairman. This may or may not be your last meeting. Who knows what is going to happen in terms of appointments and such. He wanted to say that after serving on the Commission for four years himself, it takes a tremendous amount of time, energy, and commitment.

He doesn't know if anyone realizes that when you sit in those chairs. You did it for 12 years. Half of that time was as the chair which takes up a lot of your time. He wanted to thank Chairman Vermillion for a tremendous commitment

of time and energy as well as the personal sacrifice that you have made with your time and family to come to these meetings. You probably missed your kids' events at school and that sort of thing. He thinks that Montana's fish, wildlife, and resources is better off because of what you have done. Thank you, Dan.,

Chairman Vermillion thanked Mr. Wolfe. He doesn't know if this is his last meeting or not but, he wanted to hank everyone for tolerating his presence for the last 12 years. There are challenges ahead. He thinks that FWP is ideally suited to deal with the challenges. This is an agency that is committed to public comment and public outreach. As much as science plays a role managing wildlife, managing people and working with people to figure out a way forward for wildlife and fish. Without those conversations fish and wildlife are dimmed. Thanks to everyone, Nick, Mac, and everybody else who has been here consistently over the years.

Despite being frustrated with the process on occasion, we continue to participate. Politics is frustrating, wildlife commission stuff can be frustrating, but it is super important if you love our resources as much as he does. It has been an honor to be able to do this and he can't thank everyone enough for tolerating and working hard on our resources. So, thank you. We are lucky to live here.

Chairman Vermillion moved to adjourn and Vice Chairman Stuker seconded the motion.

Motion passes 5-0.

1. Adjournment

Meeting adjourned at 2:30 PM.



Rich Stuker, Acting Chairman



Martha Williams, Director

